UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/51/182/Rev.1
9 June 1999

ORIGINAL: ENGLISH

Fifty-first session
Agenda item 73 (a)

REVIEW OF THE IMPLEMENTATION OF THE RECOMMENDATIONS AND DECISIONS ADOPTED BY THE GENERAL ASSEMBLY AT ITS TENTH SPECIAL SESSION: REPORT OF THE DISARMAMENT COMMISSION

A compilation of all texts of principles, guidelines or recommendations on subject items adopted unanimously by the Disarmament Commission

Note by the Secretary-General

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I. INTRODUCTION

1. On 12 December 1996, the General Assembly adopted resolution 50/72 D, entitled "Report of the Disarmament Commission", paragraph 12 of which reads as follows:

> "Further requests the Secretary-General to prepare a compilation, in the format of a note by the Secretary-General, of all texts of principles, guidelines or recommendations on subject items that have been unanimously adopted by the Disarmament Commission since its inception in 1978."

2. In pursuance of that request, the Secretary-General has prepared a compilation of all texts of principles, guidelines or recommendations on subject items that have been unanimously adopted by the Disarmament Commission since its inception in 1978, as contained in section II of the present note. It should be noted that the Disarmament Commission, in 1980, adopted a text entitled "Elements of the Declaration of the 1980s as the Second Disarmament Decade", which was subsequently adopted by the General Assembly as the Declaration of the 1980s as the Second Disarmament Decade (resolution 35/46, annex).

II. TEXTS OF PRINCIPLES, GUIDELINES OR RECOMMENDATIONS ON SUBJECT ITEMS THAT HAVE BEEN UNANIMOUSLY ADOPTED BY THE DISARMAMENT COMMISSION SINCE ITS INCEPTION IN 1978

A. Elements of a comprehensive programme of disarmament*

"I. Introduction

"1. Advocated by the General Assembly of the United Nations for nearly two decades, general and complete disarmament under effective international control must continue to be the ultimate goal of all endeavours undertaken in the sphere of disarmament.

"2. In 1969, the General Assembly, after declaring the decade of the 1970s as a 'Disarmament Decade', requested the Conference of the Committee on Disarmament

> 'to work out a comprehensive programme, dealing with all aspects of the problem of the cessation of the arms race and general and complete disarmament under effective international control'. 1/

Although this appeal was reiterated by the General Assembly in later years, it was not possible for the Conference of the Committee on Disarmament to discharge this mandate.

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* See Official Records of the General Assembly, Thirty-fourth Session, Supplement No. 42 (A/34/42), sect. IV, para. 19.

1/ General Assembly resolution 2602 E (XXIV).

"3. The first special session of the General Assembly devoted to disarmament laid the basis in its Final Document, adopted by consensus, for an international disarmament strategy, in which the elaboration of the comprehensive programme of disarmament is an important element. The Disarmament Commission was entrusted with the task of considering 'the elements of a comprehensive programme for disarmament to be submitted as recommendations to the General Assembly and, through it, to the negotiating body, the Committee on Disarmament', which was requested by the Assembly to 'undertake the elaboration' of such a programme.

"4. The comprehensive programme of disarmament, which would provide the necessary framework for substantive negotiations in the field of disarmament, should be a carefully worked out package of interrelated measures in the field of disarmament, which would lead the international community towards the goal of general and complete disarmament under effective international control.

"5. The comprehensive programme of disarmament should be based principally on the Final Document of the Tenth Special Session of the General Assembly. It should lay down an agreed framework for sustained international action in the field of disarmament, including negotiations at different levels, that is, multilateral, bilateral and regional, on specific measures of disarmament. The elaboration of the comprehensive programme of disarmament should not in any way impair the commitment entered into by Member States, in the Final Document, to make every effort faithfully to carry out the Programme of Action set forth therein. 2/

"6. The Committee on Disarmament should commence work on the elaboration of the comprehensive programme at the earliest possible date and all efforts should be exerted so as to submit it for consideration and adoption not later than the second special session of the General Assembly devoted to disarmament, scheduled to be held in 1982.

"7. The comprehensive programme of disarmament should:

"(a) Define the objectives of the comprehensive programme of disarmament together with the principles that should guide the negotiations and priorities which should be applied in the negotiations;

"(b) Encompass all measures thought to be advisable in order to ensure that the goal of general and complete disarmament under effective international control becomes a reality in a world in which international peace and security prevails and in which the new international economic order is strengthened and consolidated;

"(c) Include, as parallel measures accompanying progress in disarmament, measures to strengthen institutions for maintaining peace and the settlement of international disputes by peaceful means as well as measures necessary to bring about the effective application of the relevant provisions of the Charter of the United Nations;

2/ General Assembly resolution S-10/2, sect. III.

"(d) Establish appropriate procedures for:

"(i) The implementation of the programme;

"(ii) A continuing review of the implementation of the programme;

"(e) Cover measures aimed at encouraging international and national efforts to promote knowledge and information about disarmament, in order to create an international atmosphere conducive to the implementation of measures needed to be taken to bring about the halting and the reversal of the arms race and the achievement of the ultimate objective of general and complete disarmament under effective international control.

"II. Objectives, principles and priorities

"8. The immediate objective of a comprehensive programme of disarmament should be to maintain and further the momentum generated by the first special session of the General Assembly devoted to disarmament, to initiate and expedite urgent negotiations on halting the arms race in all its aspects, to open a process of genuine disarmament on an internationally agreed basis and to increase international confidence and relaxation of international tension.

"9. The long-term objectives should be, through the coordinated implementation of the comprehensive programme of disarmament, to achieve general and complete disarmament under effective international control, to avert the danger of war and to create conditions for a just and stable international peace and security and the full realization of the new international economic order.

"10. The elaboration of the comprehensive programme of disarmament should take place as urgently as possible and parallel with the negotiations on concrete disarmament measures, particularly those agreed in the Programme of Action adopted at the tenth special session of the General Assembly. The comprehensive programme of disarmament should contain a phased programme covering measures in the different fields in which the implementation of the first stage should effectively contribute to the halting of the arms race and to the opening of the process of genuine disarmament.

"11. During the first stage of the implementation of the comprehensive programme of disarmament, special attention should be given to the immediate cessation of the nuclear arms race and the removal of the threat of a nuclear war.

"12. The comprehensive programme of disarmament should be elaborated and implemented on the basis of the strict observance of the principles contained in the Final Document and in accordance with the priorities stated in paragraph 45 thereof, it being understood that nothing should preclude States from conducting negotiations on all priority items concurrently.

"III. Measures

"13. The process to be outlined in the comprehensive programme of disarmament should be conceived and implemented in accordance with the fundamental principles enshrined in the Final Document of the Tenth Special Session of the General Assembly. It should take place in such an equitable manner as to ensure the right of each State to security, inter alia, through the adoption of appropriate measures, taking into account the importance of nuclear disarmament and conventional disarmament, the special responsibility of the States with the largest military arsenals and the necessity for adequate measures of verification.

"14. The comprehensive programme of disarmament should encompass the following measures as envisaged in the relevant paragraphs of the Final Document of the Tenth Special Session:

"A. Disarmament measures

"1. Nuclear weapons

"(a) Nuclear-test ban;

"(b) Cessation of the nuclear arms race in all its aspects and nuclear disarmament, which will require urgent negotiation of agreements at appropriate stages and with adequate measures of verification satisfactory to the States concerned for:

"(i) Cessation of the qualitative improvement and development of nuclear weapon systems;

"(ii) Cessation of the production of all types of nuclear weapons and their means of delivery, and the production of fissionable material for weapons purposes;

"(iii) Reduction of stockpiles of nuclear weapons and their means of delivery, leading to their ultimate and complete elimination at the earliest possible time;

"(c) Effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons;

"(d) Continuation of the strategic arms limitation negotiations between the two parties concerned;

"(e) Further steps to prevent the spread of nuclear weapons, in accordance with the provisions of paragraphs 65 to 71 of the Final Document;

"(f) Establishment of nuclear-weapon-free zones.

"2. Other weapons of mass destruction

"(a) Prohibition of the development, production and stockpiling of all chemical weapons and their destruction;

"(b) Prevention of the emergence of new types of weapons of mass destruction and new systems of such weapons;

"(c) Prohibition of the development, production and use of radiological weapons.

"3. Conventional weapons and armed forces

"(a) Cessation of the conventional arms race;

"(b) Agreements and measures, multilateral, regional and bilateral, on the limitation and reduction of conventional weapons and armed forces;

"(c) Prohibitions or restrictions of use of certain conventional weapons, including those which may cause unnecessary suffering of which may have indiscriminate effects, taking into account the result of the 1979 United Nations Conference on Prohibitions or Restrictions of Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects;

"(d) Consultations among major arms suppliers and recipients on the international transfer of conventional weapons.

"4. Military expenditures

"Reduction of military expenditures.

"5. Verification

"Verification methods and procedures in relation to specific disarmament measures, to facilitate the conclusion and effective implementation of disarmament agreements and to create confidence among States.

"6. Related measures

"(a) Further steps to prohibit military or any other hostile use of environmental modification techniques;

"(b) Consideration of further steps to prevent an arms race on the sea-bed and the ocean floor and the subsoil thereof;

"(c) Further steps to prevent an arms race in outer space;

"(d) Establishment of zones of peace.

"B. Other measures

"1. Confidence-building measures, taking into account the characteristics of each region.

"2. Measures aimed at achieving relaxation of international tension.

"3. Measures aimed at preventing the use of force in international relations, subject to the provisions of the Charter of the United Nations.

"4. Implementation of the provisions contained in the Final Document intended to mobilize world public opinion in favour of disarmament.

"5. Disarmament studies under the auspices of the United Nations.

"Note:

"With reference to the measures dealt with in the present section, explicit mention was made of the following United Nations declarations:

"1. Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations; 3/

"2. Declaration on the Strengthening of International Security; 4/

"3. Declaration on the Preparation of Societies for Life in Peace. 5/

"C. Disarmament and development

"Bearing in mind the close relationship between disarmament and development and taking into account the United Nations studies carried out in this field, the comprehensive programme of disarmament should include measures aimed at ensuring that disarmament makes an effective contribution to economic and social development and, in particular, to the full realization of the new international economic order through:

"(i) Reallocation of resources from military purposes to economic and social development, especially for the benefit of the developing countries;

"(ii) Savings from the reduction of military expenditures particularly by nuclear-weapon States and other militarily significant States should increase the flow of resources to economic and social development, especially for the benefit of the developing countries;

3/ General Assembly resolution 2625 (XXV).

4/ General Assembly resolution 2734 (XXV).

5/ General Assembly resolution 33/73.

"(iii) Strengthening of international cooperation for the promotion of the transfer and utilization of nuclear technology for economic and social development, especially in the developing countries, taking into account the provisions of paragraphs 68 to 70 of the Final Document.

"D. Disarmament and international security

"Strengthening of international procedures and institutions for:

"(i) Maintenance of peace and security in accordance with the Charter of the United Nations;

"(ii) Peaceful settlement of disputes;

"(iii) Effectiveness of the security system of the Charter of the United Nations;

"(iv) United Nations peace-keeping inconformity with the Charter of the United Nations.

"IV. Machinery and procedures

"A. Role of the United Nations

"15. (a) The United Nations should play a central role in the consideration and adoption of the comprehensive programme of disarmament. It must also play an adequate role in its implementation. It is essential, therefore, that the General Assembly and, through it, the Commission are regularly kept informed of the results of the negotiations on and elaboration of the comprehensive programme of disarmament. It is also essential that the United Nations be kept duly informed through the Assembly, or any other appropriate United Nations channel reaching all Members of the Organization, of all disarmament efforts outside its aegis without prejudice to the progress of negotiations.

"(b) Convening, as necessary, of special sessions of the United Nations General Assembly devoted to disarmament.

"(c) The United Nations should sponsor programmes to promote public awareness of the dangers of the arms race, its effects on international peace and security, its economic and social consequences and its effect on the attainment of the new international economic order.

"(d) The Secretary-General shall periodically submit reports to the General Assembly on the economic and social consequences of the armaments race and its extremely harmful effects on world peace and security.

"B. Form of negotiations

"16. The negotiations of the measures envisaged in the comprehensive programme of disarmament can be conducted on a bilateral, regional or multilateral level, depending on how, in each case, effective disarmament agreements can most

readily be achieved. The international disarmament machinery should ensure that all disarmament issues are being dealt with in an appropriate context.

"C. World Disarmament Conference

"17. At the earliest appropriate time, a world disarmament conference should be convened with universal participation and with adequate preparation.

"D. Review and verification of agreed measures

"18. Examination of the requirements of an institutional and procedural nature to facilitate the disarmament process and to ensure implementation of disarmament agreements, including the relevant proposals referred to in paragraph 125 of the Final Document, or made elsewhere.

"V. General

"19. During the consideration of the elements of the comprehensive programme of disarmament, the Commission considered the following, on which consensus was not reached:

"(a) Prohibition of the use or threat of use of nuclear weapons;

"(b) Dissolution of military alliances and the dismantling of foreign military bases;

"(c) Prohibition of the development, production and deployment of conventional weapons of great destructive power."

B. Declaration of the 1980s as the Second Disarmament Decade*

"I. GENERAL

"1. In proclaiming the decade of the 1970s as the first United Nations Disarmament Decade, the General Assembly, in its resolution 2602 E (XXIV) of 16 December 1969, enumerated its objectives as follows:

"(a) All Governments should intensify without delay their concerted and concentrated efforts for effective measures relating to the cessation of the nuclear-arms race at an early date and to nuclear disarmament and the elimination of other weapons of mass destruction, and for a treaty on general and complete disarmament under strict and effective international control.

"(b) Consideration should be given to channelling a substantial part of the resources freed by measures in the field of disarmament to promote the economic

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* See Official Records of the General Assembly, Thirty-fifth Session, Supplement No. 42 (A/35/42), para. 19; adopted subsequently by the General Assembly (resolution 35/46, annex).

development of developing countries and, in particular, their scientific and technological progress;

"2. Although these objectives were reiterated by the General Assembly in later sessions, the first Disarmament Decade ended without their accomplishment. While it is true that some limited agreements were reached, effective measures relating to the cessation of the nuclear-arms race at an early date and to nuclear disarmament have continued to elude man's grasp. Furthermore, no progress has been made in channelling for the purpose of economic and social development any amount of the enormous resources which are wasted on the unproductive arms race.

"3. Through the Final Document of the Tenth Special Session of the General Assembly, contained in resolution S-10/2 of 30 June 1978, which was adopted by consensus, the Assembly, after expressing its conviction that disarmament and arms limitation, particularly in the nuclear field, were essential for the prevention of the danger of nuclear war, for the strengthening of international peace and security and for the economic and social advancement of all peoples, laid down a Programme of Action 6/ enumerating the specific measures of disarmament which should be implemented over the next few years.

"4. In spite of the positive and encouraging outcome of the special session devoted to disarmament, the decade of the 1980s has started with ominous signs of deterioration in the international situation. International peace and security are threatened by the use or threat of use of force against the sovereignty, national independence and territorial integrity of States, by military intervention and occupation, hegemonism, interference in the internal affairs of States, the denial of the right of self-determination of peoples and nations under colonial and alien domination, and by the further escalation of the arms race and efforts to achieve military superiority. It is clear that, if the emerging trend continues and meaningful efforts are not made to check and reverse this trend, international tensions will be further exacerbated and the danger of war will be greater than foreseen at the time of the special session on disarmament. In this connection, it is pertinent to recall that in the Final Document the General Assembly emphasized that, on the one hand, the arms race in all its aspects runs counter to efforts to achieve further relaxation of international tension to establish a viable system of international peace and security and, on the other, that peace and security must be based on strict respect for the principles of the Charter of the United Nations. It is ironic that, while intensive discussions are under way in various forums on global economic problems and on the depletion of resources available for coping with present international economic problems, military expenditures by major military Powers are reaching ever higher levels, involving the greater diversion of resources that could have helped to promote the well-being of all peoples.

"5. The close relationship between disarmament and development was also underscored in the Final Document, which stated that the resources released as a result of the implementation of disarmament measures should be devoted to the economic and social development of all nations and contribute to the bridging of

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6/ Resolution S-10/2, sect. III.

the economic gap between developed and developing countries. It is, therefore, only appropriate that simultaneously with the proclamation of the Third United Nations Development Decade 7/ and the launching of the global round of negotiations, the 1980s should be declared as the Second Disarmament Decade.

"II. GOALS AND PRINCIPLES

"6. The goals of the Second Disarmament Decade should be conceived in the context of the ultimate objective of the efforts of States in the disarmament process, which is general and complete disarmament under effective international control, as elaborated in the Final Document.

"7. Consistent with the overall objective, the goals of the Second Disarmament Decade should be the following:

"(a) Halting and reversing the arms race, particularly the nuclear-arms race;

"(b) Concluding and implementing effective agreements on disarmament, particularly nuclear disarmament, which will contribute significantly to the achievement of general and complete disarmament under effective international control;

"(c) Developing on an equitable basis the limited results obtained in the field of disarmament in the 1970s in accordance with the provisions of the Final Document;

"(d) Strengthening international peace and security in accordance with the Charter of the United Nations;

"(e) Making available a substantial part of the resources released by disarmament measures to promote the attainment of the objectives of the Third United Nations Development Decade and, in particular, the economic and social development of developing countries, so as to accelerate the progress towards the new international economic order.

"8. The disarmament process and the activities during the Second Disarmament Decade should be in accordance with the fundamental principles enshrined in the Final Document and should be carried out in such a balanced and equitable manner as to ensure the right of each State to security through the adoption of appropriate measures, taking into account the importance of nuclear disarmament and conventional disarmament, the special responsibility of the States with the largest military arsenals, the specific requirements of regional situations and the necessity for adequate measures of verification. At each stage, the objective should be undiminished security at the lowest possible level of armaments and military forces.

7/ See sect. V, resolution 35/56, annex.

"9. Progress in disarmament should be accompanied by the strengthening of the peacemaking and peace-keeping functions of the United Nations in accordance with the Charter.

"III. ACTIVITIES

"A. General

"10. The decade of the 1980s should witness renewed intensification by all Governments and the United Nations of their efforts to reach agreement and to implement effective measures that will lead to discernible progress towards the goal of general and complete disarmament under effective international control. In this connection, special attention should be focused on certain identifiable elements in the Programme of Action as adopted by the General Assembly at its tenth special session which should, as a minimum, be accomplished during the Second Disarmament Decade both through negotiations in the multilateral negotiating forum, the Committee on Disarmament, and in other appropriate forums. Adequate methods and procedures of verification should be considered in the context of international disarmament negotiations.

"B. Comprehensive programme of disarmament

"11. Having been recognized as an important element in an international disarmament strategy, the comprehensive programme for disarmament should be elaborated with the utmost urgency. The Committee on Disarmament should expedite its work on the elaboration of the programme with a view to its adoption no later than at the second special session of the General Assembly devoted to disarmament, scheduled for 1982.

"C. Priorities

"12. The accomplishment of those specific measures of disarmament which have been identified in the Final Document as worthy of priority negotiations by the multilateral negotiating organ would create a very favourable international climate for the second special session of the General Assembly devoted to disarmament. All efforts should be exerted, therefore, by the Committee on Disarmament urgently to negotiate with a view to reaching agreement, and to submit agreed texts where possible before the second special session devoted to disarmament on:

"(a) A comprehensive nuclear-test-ban treaty;

"(b) A treaty on the prohibition of the development, production and stockpiling of all chemical weapons and their destruction;

"(c) A treaty on the prohibition of the development, production and use of radiological weapons;

"(d) Effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons, taking into account all proposals and suggestions that have been made in this regard.

"13. The same priority should be given to the following measures which are dealt with outside the Committee on Disarmament:

"(a) Ratification of the Treaty on the Limitation of Strategic Offensive Arms (SALT II) and commencement of negotiations for a SALT III agreement;

"(b) Ratification of Additional Protocol I of the Treaty for the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco); 8/

"(c) Signature and ratification of the agreement negotiated by the United Nations Conference on Prohibitions or Restrictions of Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects;

"(d) Achievement of an agreement on mutual reduction of armed forces and armaments and associated measures in central Europe;

"(e) Negotiations on effective confidence-building measures and disarmament measures in Europe among the States participating in the Conference on Security and Cooperation in Europe, taking into account initiatives and proposals to this effect;

"(f) Achievement of a more stable situation in Europe at a lower level of military potential on the basis of approximate equality and parity by agreement on appropriate mutual reduction and limitation of armaments and armed forces in accordance with paragraph 82 of the Final Document, which would contribute to the strengthening of security in Europe and constitute a significant step towards enhancing international peace and security.

"14. Other priority measures that should be pursued as rapidly as possible during the Second Disarmament Decade include:

"(a) Significant progress towards the achievement of nuclear disarmament, which will require urgent negotiation of agreements at appropriate stages and with adequate measures of verification satisfactory to the States concerned for:

"(i) Cessation of the qualitative improvement and development of nuclear-weapon systems;

"(ii) Cessation of the production of all types of nuclear weapons and their means of delivery, and of the production of fissionable material for weapons purposes;

"(iii) A comprehensive, phased programme with agreed time-frames, whenever feasible, for progressive and balanced reduction of stockpiles of

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8/ United Nations, Treaty Series, vol. 634, No. 9068, p. 326.

nuclear weapons and their means of delivery, leading to their ultimate and complete elimination at the earliest possible time;

"(b) Prevention of the emergence of new types of weapons of mass destruction and new systems of such weapons;

"(c) Further strategic arms limitation negotiations between the two parties, leading to agreed significant reductions of, and qualitative limitations on, strategic arms. These should constitute an important step in the direction of nuclear disarmament and, ultimately, of the establishment of a world free of such weapons;

"(d) Further steps to develop an international consensus to prevent the proliferation of nuclear weapons in accordance with the provisions of paragraphs 65 to 71 of the Final Document;

"(e) Strengthening of the existing nuclear-weapon-free zone and the establishment of other nuclear-weapon-free zones in accordance with the relevant paragraphs of the Final Document;

"(f) Establishment of zones of peace in accordance with the relevant provisions of the Final Document;

"(g) Measures to secure the avoidance of the use of nuclear weapons, the prevention of nuclear war and related objectives, where possible through international agreement, bearing in mind various proposals designed to secure these objectives and in accordance with paragraphs 57 and 58 of the Final Document, and thereby to ensure that the survival of mankind is not endangered;

"(h) Further steps to prohibit military or any other hostile use of environmental modification techniques;

"(i) Multilateral regional and bilateral measures on the limitation and reduction of conventional weapons and armed forces, in accordance with the relevant provisions of the Final Document;

"(j) Reduction of military expenditures;

"(k) Confidence-building measures, taking into account the particular conditions and requirements of different regions, with a view to strengthening the security of States.

"D. Disarmament and development

"15. Peace and development are indivisible. During the Second Disarmament Decade, utmost efforts should be made towards the implementation of the specific measures whereby disarmament will contribute effectively to economic and social development and thus facilitate the full and early realization of the new international economic order. To this end, renewed efforts should be made to reach agreement on the reduction of military expenditures and the reallocation

of resources from military purposes to economic and social development especially for the benefit of developing countries.

"16. Efforts should also be made to strengthen international cooperation for the promotion of the transfer and utilization of nuclear technology for economic and social development, especially in the developing countries, taking into account the provisions of all relevant paragraphs of the Final Document, in particular to ensure the success of the United Nations Conference for the Promotion of International Cooperation in the Peaceful Uses of Nuclear Energy, to be convened in principle by 1983, as decided upon in General Assembly resolution 34/63 of 29 November 1979, as well as other promotional activities in this field in the United Nations system, including those within the framework of the International Atomic Energy Agency.

"E. Disarmament and international security

"17. An essential condition for progress in the field of disarmament is the preservation and strengthening of international peace and security and the promotion of confidence among States. Nuclear weapons pose the greatest danger to mankind and to the survival of civilization. It is essential to halt and reverse the nuclear-arms race in all its aspects in order to avert the danger of war involving nuclear weapons. The ultimate goal in this context is the complete elimination of nuclear weapons. Significant progress in nuclear disarmament would be facilitated both by parallel political and international legal measures to strengthen the security of States and by progress in the limitation and reduction of armed forces and conventional armaments of the nuclear-weapon States and other States in the regions concerned.

"18. All States Members of the United Nations have, in the Final Document, reaffirmed their full commitment to the purposes of the Charter of the United Nations and their obligation strictly to observe its principles as well as other relevant and generally accepted principles of international law relating to the maintenance of international peace and security. Disarmament, relaxation of international tension, respect for the right to self-determination and national independence, sovereignty and territorial integrity of States, the peaceful settlement of disputes in accordance with the Charter and the strengthening of international peace and security are directly related to each other. Progress in any of these spheres has a beneficial effect on all of them; in turn, failure in one sphere has negative effects on others. In the decade of the 1980s, all Governments, in particular the most advanced military Powers, should therefore take such steps as will contribute to the widening of trust among nations of the world as well as in the various regions. This implies a commitment on the part of all States to avoid actions likely to increase tension or create new areas of threats to international peace and security and, in their relationship with other countries, strictly to respect the sovereignty and territorial integrity of States, and the right of peoples under colonial or foreign domination to self-determination and national independence.

"F. Public awareness

"19. As stated in paragraph 15 of the Final Document, it is essential that not only Governments but also the peoples of the world recognize and understand the dangers in the present world armaments situation, so that world public opinion will be mobilized on behalf of peace and disarmament. This will be of great importance to the strengthening of international peace and security, the just and peaceful resolution of disputes and conflicts and effective disarmament.

"20. In the course of the decade of the 1980s, therefore, governmental and non-governmental information organs of Member States and those of the United Nations and the specialized agencies, as well as non-governmental organizations, should, as appropriate, undertake further programmes of information relating to the danger of the armaments race as well as to disarmament efforts and negotiations and their results, particularly by means of annual activities conducted in connection with Disarmament Week. These actions should constitute a large-scale programme further to alert world opinion to the danger of war in general and of nuclear war in particular. In keeping with its central role and primary responsibility in the sphere of disarmament, the United Nations, in particular its Centre for Disarmament, should intensify and coordinate its programme of publications, audio-visual materials, cooperation with non-governmental organizations and relations with the media. Among its activities, the United Nations should also, in the course of the Second Disarmament Decade, sponsor seminars in the different regions of the world at which issues relating to world disarmament, in general, and to the particular region, especially, will be extensively discussed.

"G. Studies

"21. As part of the process of facilitating the consideration of issues in the field of disarmament, studies on specific questions should be undertaken on the decision of the General Assembly, when necessary for preparing the ground for negotiations or reaching agreement. Also, studies pursued under the auspices of the United Nations, in particular by the United Nations Institute for Disarmament Research established by Assembly resolution 34/83 M of 11 December 1979 within the framework of the United Nations Institute for Training and Research, could bring a useful contribution to the knowledge and exploration of disarmament problems, especially in the long term.

"H. Implementation, review and appraisal

"22. In the accomplishment of the activities earmarked for the Second Disarmament Decade, all Governments, particularly the most advanced military Powers, should make an effective contribution. The United Nations should continue to play a central role. The Committee on Disarmament should fully discharge its responsibility as the single multilateral disarmament negotiating body. The General Assembly should, at its annual sessions and, in particular, at its second special session devoted to disarmament to be held in 1982, make an effective contribution to the pursuit of the goals of disarmament.

"23. It is pertinent also to recall that paragraphs 121 and 122 of the Final Document stated:

"(a) That bilateral and regional disarmament negotiations may also play an important role and could facilitate the negotiation of multilateral agreements in the field of disarmament;

"(b) That at the earliest appropriate time, a world disarmament conference should be convened with universal participation and with adequate preparation.

"24. In order to ensure a coordinated approach and to consider the implementation of the Declaration of the 1980s as the Second Disarmament Decade, this question should be included in the agenda of the second special session of the General Assembly devoted to disarmament, envisaged for 1982.

"25. In addition, the General Assembly will undertake at its fortieth session, in 1985, a review and appraisal, through the Disarmament Commission, of progress in the implementation of the measures identified in the present Declaration."

C. Recommendations on agenda item 4 (a), "Consideration of various aspects of the arms race, particularly the nuclear arms race and nuclear disarmament, in order to expedite negotiations aimed at effective elimination of the danger of nuclear war", and (b), "Consideration of the agenda items contained in section II of resolution 33/71 H, with the aim of elaborating, within the framework and in accordance with the priorities established at the tenth special session, a general approach to negotiations on nuclear and conventional disarmament"*

"1. Pursuant to the mandate of the General Assembly in its resolution 34/83 H, the Commission considered various aspects of the arms race, particularly the nuclear arms race and nuclear disarmament, in order to expedite negotiations aimed at effective elimination of the danger of nuclear war.

"2. The Commission noted with grave concern that, despite the consensus reached at the tenth special session of the General Assembly, devoted to disarmament, in favour of taking urgent steps to stop and reverse the arms race, the situation today is that the arms race among the Great Powers, particularly the nuclear-arms race, has further escalated and there are graver prospects of even further intensification of the arms race. International peace and security are threatened by the use or threat of use of force against sovereignty, national independence and territorial integrity of States, military intervention and occupation, hegemonism, interference in the internal affairs of States, the denial of the right of self-determination of peoples and nations under colonial

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* See Official Records of the General Assembly, Thirty-ffifth Session, Supplement No. 42 (A/35/42), para. 20.

and alien domination, and by the further escalation of the arms race and efforts to achieve military superiority. It is clear that if the emerging trend continues and meaningful efforts are not made to check and reverse this trend, international tensions will be further exacerbated and the danger of war will be greater than foreseen at the time of the special session on disarmament. In this connection, it is pertinent to recall that the Final Document of the special session emphasized that, on the one hand, the arms race in all its aspects runs counter to efforts to achieve further relaxation of international tension to establish a viable system of international peace and security and, on the other, that peace and security must be based on strict respect for the principles of the Charter of the United Nations.

"3. The Commission recalled that in the Final Document of the tenth special session of the General Assembly, it was declared that 'enduring international peace and security cannot be built on the accumulation of weaponry by military alliances nor be sustained by a precarious balance of deterrence or doctrines of strategic superiority' and that 'genuine and lasting peace can only be created through the effective implementation of the security system provided for in the Charter of the United Nations and the speedy and substantial reduction of arms and armed forces'. 9/

"4. The Commission noted with profound regret that there had been a marked lack of progress in the implementation of the Programme of Action agreed upon at the special session and that even the talks on a few limited arms control and limitation measures had either been suspended or were proceeding very slowly. In this situation, the responsibility of the United Nations to promote the goals of disarmament is greatly increased. The Commission, therefore, recommends to the General Assembly that it call upon all States to undertake measures for the implementation of the Programme of Action enumerated in the Final Document, including efforts to facilitate the resumption and continuation of the talks that have been interrupted and, more specifically, the measures to be agreed upon in connection with the Second Disarmament Decade.

"5. The Commission is firmly convinced that there can be no progress in disarmament and in the maintenance of international peace and security unless States adhere closely to the purposes and principles of the Charter of the United Nations as well as other relevant and generally accepted principles of international law relating to the maintenance of international peace and security, especially those regarding the respect for the sovereignty, territorial integrity and political independence of States, refraining from the use or threat of use of force against the sovereignty, territorial integrity or political independence of any State, or against peoples under colonial or foreign domination seeking to exercise their right to self-determination and to achieve independence, non-recognition of territorial acquisition by the use or threat of use of force as well as situations or special advantages resulting from the use or threat of use of force contrary to the Charter, non-intervention and non-interference in the internal affairs of other States, effective

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9/ General Assembly resolution S/10-2, para. 13.

collective international security through the United Nations, and the just and peaceful resolution of conflicts and disputes. The Disarmament Commission bears in mind the inherent right of States to individual and collective self-defence in accordance with the Charter and the right to self-determination of peoples under colonial and alien domination. The Commission underlines the fundamental importance for the achievement of the goals of disarmament of the withdrawal of foreign forces of occupation, especially from regions of crises and tension. In this connection, the view was expressed that the elimination of foreign military bases is of fundamental importance for the achievement of the goals of disarmament. At the same time the view was expressed that the presence of foreign military bases is fully justified under the provisions of Article 51 of the Charter.

"6. Pursuant to the mandate contained in paragraph 2 of General Assembly resolution 34/83 E, the Commission also considered aspects of the arms race with the aim of elaborating, within the framework and in accordance with the priorities established at the tenth special session, a general approach to negotiations on nuclear and conventional disarmament.

"7. The Commission recalled that the General Assembly at its special session had declared that, among all disarmament measures, effective measures of nuclear disarmament and the prevention of nuclear war had the highest priority and that all the nuclear-weapon States, in particular those among them which possessed the most important nuclear arsenals, bore a special responsibility in achieving the goals of nuclear disarmament.

"8. The Commission would recommend that urgent action be taken to prevent the further spiralling of the nuclear-arms race. The Commission expressed the view that the Committee on Disarmament should fully discharge its responsibilities in the field of nuclear disarmament and should, therefore, continue its efforts to undertake negotiations with a view to the cessation of the nuclear arms race and to the achievement of nuclear disarmament in conformity with its mandate in order to achieve the objectives specified in paragraph 50 and other relevant paragraphs of the Final Document.

"9. The Commission noted that, while nuclear disarmament had the highest priority, the General Assembly had declared in the Final Document that 'together with negotiations on nuclear disarmament measures, the limitation and gradual reduction of armed forces and conventional weapons should be resolutely pursued within the framework of progress towards general and complete disarmament'. 10/ The Commission also noted that in the conventional field, as in the nuclear field, the major responsibility rested on those States with the largest military arsenals and that progress in conventional disarmament by these States would constitute a significant step in strengthening peace and security in the world.

"10. While reiterating the relevant provisions in the Final Document for the need to resolutely pursue agreements or other measures on a bilateral, regional and multilateral basis with the aim of strengthening peace and security at lower

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10/ Ibid., para. 81.

levels of military potential by the limitation and reduction of armed forces and conventional weapons, the Commission also stressed that, in keeping with the provisions of the Final Document, the adoption of conventional disarmament measures should take place in an equitable and balanced manner taking into account the right of each State to protect its security and to defend its independence and territorial integrity, as well as the inalienable right to self-determination and independence of peoples under colonial or foreign domination.

"11. The Commission considered a proposal for a study on all aspects of the conventional arms race and on disarmament relating to conventional weapons and armed forces. In the light of its discussions the Commission noted the wide support in favour of recommending to the General Assembly at its thirty-fifth session that it approve, in principle, the proposal for the study on disarmament relating to conventional weapons and armed forces to be undertaken after the general approach of the study, its structure and scope had been fully discussed and agreed upon. At the same time, the Commission noted that strong objections or reservations were made from various quarters to such a study on several grounds."

D. Guidelines for the study on conventional disarmament*

"1. The General Assembly, at its thirty-fifth session, adopted resolution 35/156 A of 12 December 1980, in which it approved in principle the carrying out of a study on all aspects of the conventional arms race and on disarmament relating to conventional weapons and armed forces, to be undertaken by the Secretary-General with the assistance of a group of qualified experts appointed by him on a balanced geographical basis. The General Assembly also agreed that the Disarmament Commission should work out the general approach to the study, its structure and scope, and requested the Disarmament Commission to convey to the Secretary-General the conclusion of its deliberations which should constitute the guidelines for the study.

"2. At its thirty-sixth session, the General Assembly adopted resolution 36/97 A of 9 December 1981, in which, inter alia, it requested the Disarmament Commission at its substantive session in 1982 to complete its consideration of the general approach to the study, its structure and scope and to transmit the conclusions of its deliberations to the group of experts.

"3. In fulfilment of this task, the Disarmament Commission has agreed that the following text should constitute the guidelines for this study.

"4. The general approach of the study should take full account of the following provisions and principles:

"(a) The causes of the arms race in conventional weapons are of fundamental significance;

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* Official Records of the General Assembly, Twelfth Special Session, Supplement No. 3 (A/S-12/3), annex III.

"(b) The provisions of the Final Document of the Tenth Special Session of the General Assembly devoted to disarmament are of primary importance, particularly those related to principles, priorities and progress in conventional disarmament;

"(c) Among genuine measures of disarmament, effective measures of nuclear disarmament and the prevention of nuclear war have the highest priority. To this end, it is imperative to remove the threat of nuclear weapons, to halt and reverse the nuclear arms race until the total elimination of nuclear weapons and their delivery systems has been achieved and to prevent the proliferation of nuclear weapons;

"(d) Together with negotiations on nuclear disarmament measures, the limitation and gradual reduction of armed forces and conventional weapons should be resolutely pursued within the framework of progress towards general and complete disarmament. States with the largest military arsenals have a special responsibility in pursuing the process of conventional armaments reductions. Other militarily significant States are also important in the context of achieving conventional disarmament. The contributions of all States in this regard are invaluable in lessening world tensions;

"(e) Consideration of the question of the limitation and reduction of conventional weapons should take into account the need of all States to protect their security as well as the inalienable right to self-determination and independence of peoples under colonial or foreign domination. The adoption of disarmament measures should take place in such an equitable and balanced manner as to ensure the right of each State to security so that no individual State or group of States should obtain advantage over others at any stage;

"(f) Negotiations on the reduction of armed forces and of conventional armaments should have at each stage the objective of undiminished security at the lowest possible level of armaments and military forces;

"(g) The study should analyse the global dimension of the arms race in the conventional field and take due account of its regional aspects;

"(h) The study should promote conventional disarmament within the context of general and complete disarmament in seeking appropriate ways and means conducive not only to intensifying ongoing, but also initiating new negotiations that would produce concrete results in the field of conventional disarmament. The study should also draw attention the growing dangers of the arms race in the field of conventional armaments;

"(i) Agreements on reductions of armaments and armed forces should include appropriate provisions for verification;

"(j) The group of experts should be guided by the principle of consensus in its reporting, with sufficient flexibility to allow the reflection of differing viewpoints.

"5. The scope and structure of the study should contain the following conceptual and/or practical elements:

"(a) The identification of the nature of the conventional arms race within the context of the global arms race, and its principal underlying causes;

"(b) A factual account of all aspects of the conventional arms race on the basis of available data, particularly the size of conventional arsenals, local production, the capabilities and effects of present weapon systems and their relationship with other categories of weapons;

"(c) The international transfer of conventional weapons, including regional aspects and military alliances;

"(d) The impact of the accumulation of conventional armaments in the regions which constitute major areas of continuing tension and crisis in the world, and in regions with large concentrations of conventional weapons and armed forces;

"(e) The use or threat of use of conventional arms against the sovereignty, territorial integrity, political independence of any State and for intervention and interference in the internal affairs of States;

"(f) The impact of technological advances and research and development upon the conventional weapons arsenals of States, and upon the arms race in the fields of conventional and other categories of weapons;

"(g) A description of the relevant social, economic and political effects of the conventional arms race and its consequences for the international situation, taking into account the need for and the beneficial effects of disarmament measures in this field;

"(h) The contribution of confidence-building measures to further progress in conventional disarmament.

"6. In addition to other sources, it is recommended that the group of experts should make full use of the studies by the Secretary-General already completed or in preparation, and should take into account four working papers submitted to the Disarmament Commission (A/CN.10/27, 28, 33 and 34).

"7. In their findings, the members of the expert group should include their assessments of the effects of the conventional arms race on the prospects for disarmament. Following the guidelines set out above, they should also identify areas in which measures to curb the conventional arms race and to achieve conventional disarmament ought to be pursued and make recommendations accordingly."

E. Review of the Declaration of the 1980s as the Second Disarmament Decade*

"1. At its thirty-fifth session the General Assembly, by its resolution 35/46 of 3 December 1980, unanimously adopted the Declaration of the 1980s as the Second Disarmament Decade, which is set forth in the annex to that resolution.

"2. Paragraph 25 of the Declaration stated that the General Assembly would undertake, at its fortieth session, in 1985, a review and appraisal, through the Disarmament Commission, of progress in the implementation of the measures identified in the Declaration. Accordingly, at its thirty-ninth session, the General Assembly, by resolution 39/148 Q, decided to undertake such a review and appraisal and requested the Disarmament Commission at its session in 1985 to make a preliminary assessment of the implementation of the Declaration, as well as suggestions to ensure progress, and to submit a report to the General Assembly at its fortieth session.

"3. Paragraph 7 of the Declaration set out the following as the goals of the Decade:

"(a) Halting and reversing the arms race, particularly the nuclear-arms race;

"(b) Concluding and implementing effective agreements on disarmament, particularly nuclear disarmament, which will contribute significantly to the achievement of general and complete disarmament under effective international control;

"(c) Developing on an equitable basis the limited results obtained in the field of disarmament in the 1970s in accordance with the provisions of the Final Document;

"(d) Strengthening international peace and security in accordance with the Charter of the United Nations;

"(e) Making available a sustainable part of the resources released by disarmament measures to promote the attainment of the objectives of the Third United Nations Development Decade and, in particular, the economic and social development of developing countries, so as to accelerate the progress towards the new international economic order.

"4. Paragraph 8 of the Declaration stated that the disarmament process and the activities during the Second Disarmament Decade should be in accordance with the fundamental principles enshrined in the Final Document of the Tenth Special Session of the General Assembly (resolution S-10/2) and should be carried out in such a balanced and equitable manner as to ensure the right of each State to security through the adoption of appropriate measures, taking into account the importance of nuclear disarmament and conventional disarmament, the special

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* Official Records of the General Assembly, Fortieth Session, Supplement No. 42 (A/40/42), annex VII.

responsibility of the States with the largest military arsenals, the specific requirements of regional situations and the necessity for adequate measures of verification. At each stage, the objective should be undiminished security at the lowest possible level of armaments and military forces.

"5. Paragraphs 12, 13 and 14 laid out the areas deserving priority treatment as follows:

'12. ... All efforts should be exerted, therefore, by the Committee on Disarmament urgently to negotiate with a view to reaching agreement, and to submit agreed texts where possible before the second special session devoted to disarmament on:

'(a) A comprehensive nuclear-test-ban treaty;

'(b) A treaty on the prohibition of the development, production and stockpiling of all chemical weapons and their destruction;

'(c) A treaty on the prohibiting of the development, production and use of radiological weapons;

'(d) Effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons, taking into account all proposals and suggestions that have been made in this regard.

'13. The same priority should be given to the following measures which are dealt with outside the Committee on Disarmament:

'(a) Ratification of the Treaty on the Limitation of Strategic Offensive Arms (SALT II) and commencement of negotiations for a SALT III agreement;

'(b) Ratification of Additional Protocol I of the Treaty for the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco);

'(c) Signature and ratification of the agreement negotiated by the United Nations Conference on Prohibitions or Restrictions of Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to have Indiscriminate Effects;

'(d) Achievement of an agreement on mutual reduction of armed forces and armaments and associated measures in central Europe;

'(e) Negotiations on effective confidence-building measures and disarmament measures in Europe among the States participating in the Conference on Security and Cooperation in Europe, taking into account initiatives and proposals to this effect;

'(f) Achievement of a more stable situation in Europe at a lower level of military potential on the basis of approximate equality and parity by agreement on appropriate mutual reduction and limitation of armaments

and armed forces in accordance with paragraph 82 of the Final Document, which would contribute to the strengthening of security in Europe and constitute a significant step towards enhancing international peace and security.

'14. Other priority measures that should be pursued as rapidly as possible during the Second Disarmament Decade include:

'(a) Significant progress towards the achievement of nuclear disarmament, which will require urgent negotiation of agreements at appropriate stages and with adequate measures of verification satisfactory to the States concerned for:

'(i) Cessation of the qualitative improvement and development of nuclear-weapons systems;

'(ii) Cessation of the production of all types of nuclear weapons and their means of delivery, and of the production of fissionable material for weapons purposes;

'(iii) A comprehensive, phased programme with agreed time-frames, whenever feasible, for progressive and balanced reduction of stockpiles of nuclear weapons and their means of delivery, leading to their ultimate and complete elimination at the earliest possible time;

'(b) Prevention of the emergence of new types of weapons of mass destruction and new systems of such weapons;

'(c) Further strategic arms limitation negotiations between the two parties, leading to agreed significant reductions of, and qualitative limitations on, strategic arms. These should constitute an important step in the direction of nuclear disarmament and, ultimately, of the establishment of a world free of such weapons;

'(d) Further steps to develop an international consensus to prevent the proliferation of nuclear weapons in accordance with the provisions of paragraphs 65 to 71 of the Final Document;

'(e) Strengthening of the existing nuclear-weapon-free zone and the establishment of other nuclear-weapon-free zones in accordance with the relevant paragraphs of the Final Document;

'(f) Establishment of zones of peace in accordance with the relevant provisions of the Final Document;

'(g) Measures to secure the avoidance of the use of nuclear weapons, the prevention of nuclear war and related objectives, where possible through international agreement, bearing in mind various proposals designed to secure these objectives and in accordance with paragraphs 57 and 58 of the Final Document, and

thereby to ensure that the survival of mankind is not endangered;

'(h) Further steps to prohibit military or any other hostile use of environmental modification techniques;

'(i) Multilateral regional and bilateral measures on the limitation and reduction of conventional weapons and armed forces, in accordance with the relevant provisions of the Final Document;

'(j) Reduction of military expenditures;

'(k) Confidence-building measures, taking into account the particular conditions and requirements of different regions, with a view to strengthening the security of States.'

"6. Though the mid-point of the Decade has been reached, its goals are far from being achieved. It is a matter of regret that, in spite of the efforts of many States, no substantial progress nas been made even on items of highest priority. The threat to the survival of mankind is no less today than it was at the beginning of the Decade.

"7. An encouraging development is the initiation of bilateral negotiations between the Union of Soviet Socialist Republics and the United States of America in accordance with the joint communiqué issued by the two Governments on 8 January 1985. Progress in these talks should have beneficial effects on the multilateral disarmament process as well as help to reduce international tension, thus promoting the global security environment.

"8. The United Nations should be kept appropriately informed of these negotiations without prejudice to their progress.

"9. The Disarmament Commission expects that all States Members of the United Nations, in particular those possessing the largest military arsenals, will resolutely pursue the objectives set forth in the Declaration and achieve concrete results during the remaining five years of the Decade.

"10. The Disarmament Commission accordingly recommends to the General Assembly to call upon all States, particularly the nuclear-weapon States, to:

"(a) Reaffirm their commitment to the Declaration of the Second Disarmament Decade;

"(b) Reaffirm their commitment to the attainment of the ultimate objective of general and complete disarmament under effective international control;

"(c) Adopt concrete and practical measures for preventing the outbreak of war, in particular nuclear war;

"(d) Take appropriate steps to halt and reverse the nuclear-arms race with a view to improving the international climate as well as enhancing the efficacy of disarmament negotiations;

"(e) Exert greater effort in the implementation of the World Disarmament Campaign."

F. Guidelines for appropriate types of confidence-building measures and for the implementation of such measures on a global or regional level*

"The Commission has elaborated the subsequent guidelines for appropriate types of confidence-building measures for the consideration of the General Assembly at its forty-first session, in keeping with resolution 39/63 E.

"The text of the guidelines is agreed on all counts.

"The Commission wishes to draw particular attention to paragraph 1.2.5 of the guidelines where it is emphasized that the accumulation of relevant experience with confidence-building measures may necessitate the further development of the text at a later time, should the General Assembly so decide.

"In elaborating the guidelines, all delegations were aware, notwithstanding the high significance and role of confidence-building measures, of the primary importance of disarmament measures and the singular contribution only disarmament can make to the prevention of war, in particular nuclear war. Some delegations would have wished to see the criteria and characteristics of a regional approach to confidence-building measures spelt out in greater detail.

"1. General considerations

"1.1 Frame of reference

"1.1.1 The present guidelines for confidence-building measures have been drafted by the Disarmament Commission in pursuance of resolution 37/100 D adopted by consensus by the General Assembly, in which the Disarmament Commission was requested 'to consider the elaboration of guidelines for appropriate types of confidence-building measures and for the implementation of such measures on a global or regional level', and of resolutions 38/73 A and 39/63 E in which it was asked to continue and conclude its work, and was further requested to submit to the General Assembly at its forty-first session a report containing such guidelines.

"1.1.2 In elaborating the guidelines the Disarmament Commission took into account, inter alia, the following United Nations documents: the Final Document of the Tenth Special Session of the General Assembly, the first special session devoted to disarmament (resolution S-10/2), the relevant resolutions adopted by consensus by the General Assembly (resolutions 34/87 B, 35/156 B, 36/57 F, 37/100 D and 38/73), the replies received from Governments informing the Secretary-General of their views and experiences

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* See Official Records of the General Assembly, Fifteenth Special Session, Supplement No. 3 (A/S-15/3), para. 41.

regarding confidence-building measures, 11/ the Comprehensive Study on Confidence-building Measures 12/ by a Group of Governmental Experts, the proposals made by individual countries at the twelfth special session of the General Assembly, 13/ the second special session devoted to disarmament, as well as the views of delegations as expressed during the annual sessions of the Disarmament Commission in 1983, 1984 and 1986 and reflected in the relevant documents of those sessions.

"1.2 General political context

"1.2.1 These guidelines have been elaborated at a time when it is universally felt that efforts to heighten confidence among States are particularly pertinent and necessary. There is a common concern about the deterioration of the international situation, the continuous recourse to the threat or use of force and the further escalation of the international arms build-up, with the concomitant rise in instabilities, political tensions and in mistrust, and the heightened perception of the danger of war, both conventional and nuclear. At the same time, there is a growing awareness of the unacceptability of war in our time, and of the interdependence of the security of all States.

"1.2.2 This situation calls for every effort by the international community to take urgent action for the prevention of war, in particular nuclear war - in the language of the Final Document of the Tenth Special Session, a threat whose removal is the most acute and urgent task of the present day - and for concrete measures of disarmament - to prevent an arms race in space and to terminate it on earth, to limit, reduce and eventually eliminate nuclear arms and enhance strategic stability - but also for efforts to reduce political confrontation and to establish stable and cooperative relationships in all fields of international relations.

"1.2.3 In this context, a confidence-building process embracing all these fields has become increasingly important. Confidence-building measures, especially when applied in a comprehensive manner, have a potential to contribute significantly to the enhancement of peace and security and to promote and facilitate the attainment of disarmament measures.

"1.2.4 This potential is at present already being explored in some regions and subregions of the world, where the States concerned - while remaining mindful of the need for global action and for disarmament measures - are joining forces to contribute, by the elaboration and

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11/ A/34/416 and Add.1-3, A/35/397.

12/ United Nations publication, Sales No. E.82.IX.3.

13/ See A/S-12/AC.1/59.

implementation of confidence-building measures, to more stable relations and greater security, as well as the elimination of outside intervention and enhanced cooperation in their areas.

The present guidelines have been drafted with these significant experiences in mind, but they also purport to provide further support to these and other endeavours on the regional and global level. They do not, of course, exclude the simultaneous application of other security-enhancing measures.

"1.2.5 These guidelines are part of a dynamic process over time. While they are designed to contribute to a greater usefulness and wider application of confidence-building measures, the accumulation of relevant experience may, in turn, necessitate the further development of the guidelines at a later time, should the General Assembly so decide.

"1.3 Delimitation of the subject

"1.3.1 Confidence-building measures and disarmament

"1.3.1.1 Confidence-building measures must be neither a substitute nor a precondition for disarmament measures nor divert attention from them. Yet their potential for creating favourable conditions for progress in this field should be fully utilized in all regions of the world, in so far as they may facilitate and do not impair in any way the adoption of disarmament measures.

"1.3.1.2 Effective disarmament and arms limitation measures which directly limit or reduce military potential have particularly high confidence-building value and, among these measures, those relating to nuclear disarmament as especially conducive to confidence-building.

"1.3.1.3 The provisions of the Final Document of the Tenth Special Session relating to disarmament, particularly nuclear disarmament, also have a high confidence-building value.

"1.3.1.4 Confidence-building measures may be worked out and implemented independently in order to contribute to the creation of favourable conditions for the adoption of additional disarmament measures, or, no less important, as collateral measures in connection with specific measures of arms limitation and disarmament.

"1.3.2 Scope of confidence-building measures: military and non-military measures

"1.3.2.1 Confidence reflects a set of interrelated factors of a military as well as of a non-military character, and a plurality of approaches is needed to overcome fear, apprehension and mistrust between States and to replace them by confidence.

"1.3.2.2 Since confidence relates to a wide spectrum of activities in the interaction among States, a comprehensive approach is indispensable and confidence-building is necessary in the political, military, economic, social, humanitarian and cultural fields. These should include removal of political tensions, progress towards disarmament, reshaping of the world economic system and the elimination of racial discrimination, of any form of hegemony and domination and of foreign occupation. It is important that in all these areas the confidence-building process should contribute to diminishing mistrust and enhancing trust among States by reducing and eventually eliminating potential causes for misunderstanding, misinterpretation and miscalculation.

"1.3.2.3 Notwithstanding the need for such a broad confidence-building process, and in accordance with the mandate of the Disarmament Commission, the main focus of the present guidelines for confidence-building measures relates to the military and security field, and the guidelines derive their specificity from these aspects.

"1.3.2.4 In many regions of the world economic and other phenomena touch upon the security of a country with such immediacy that they cannot be disassociated from defence and military matters. Concrete measures of a non-military nature that are directly relevant to the national security and survival of States are therefore fully within the focus of the guidelines. In such cases military and non-military measures are complementary and reinforce each other's confidence-building value.

"1.3.2.5 The appropriate mixture of different types of concrete measures should be determined for each region, depending on the perception of security and of the nature and levels of existing threats, by the countries of the regions themselves.

"2. Guidelines for appropriate types of confidence-building measures and for their implementation

"2.1 Principles

"2.1.1 Strict adherence to the Charter of the United Nations and fulfilment of the commitments contained in the Final Document of the Tenth Special Session of the General Assembly (resolution S-10/2), the validity of which had been unanimously and categorically reaffirmed by all Member States at the twelfth special session of the General Assembly, the second special session devoted to disarmament, make a contribution of overriding importance for the preservation of peace and for ensuring the survival of mankind and the realization of general and complete disarmament under effective international control.

"2.1.2 In particular, and as a prerequisite for enhancing confidence among States, the following principles enshrined in the Charter of the United Nations must be strictly observed:

"(a) Refraining from the threat or use of force against the territorial integrity or political independence of any State;

"(b) Non-intervention and non-interference in the internal affairs of States;

"(c) Peaceful settlement of disputes;

"(d) Sovereign equality of States and self-determination of peoples.

"2.1.3 The strict observance of the principles and priorities of the Final Document of the Tenth Special Session is of particular importance for enhancing confidence among States.

"2.2 Objectives

"2.2.1 The ultimate goal of confidence-building measures is to strengthen international peace and security and to contribute to the prevention of all wars, in particular nuclear war.

"2.2.2 Confidence-building measures are to contribute to the creation of favourable conditions for the peaceful settlement of existing international problems and disputes and for the improvement and promotion of international relations based on justice, cooperation and solidarity; and to facilitate the solution of any situation which might lead to international friction.

"2.2.3 A major goal of confidence-building measures is the realization of universally recognized principles, particularly those contained in the Charter of the United Nations.

"2.2.4 By helping to create a climate in which the momentum towards a competitive arms build-up can be reduced and in which the importance of the military element is gradually diminished, confidence-building measures should in particular facilitate and promote the process of arms limitation and disarmament.

"2.2.5 A major objective is to reduce or even eliminate the causes of mistrust, fear, misunderstanding and miscalculation with regard to relevant military activities and intentions of other States, factors which may generate the perception of an impaired security and provide justification for the continuation of the global and regional arms build-up.

"2.2.6 A centrally important task of confidence-building measures is to reduce the dangers of misunderstanding or miscalculation of military activities, to help to prevent military confrontation as

well as covert preparations for the commencement of a war, to reduce the risk of surprise attacks and of the outbreak of war by accident; and thereby, finally, to give effect and concrete expression to the solemn pledge of all nations to refrain from the threat or use of force in all its forms and to enhance security and stability.

"2.2.7 Given the enhanced awareness of the importance of compliance, confidence-building measures may serve the additional objective of facilitating verification of arms limitation and disarmament agreements.

In addition, strict compliance with obligations and commitments in the field of disarmament and cooperation in the elaboration and implementation of adequate measures to ensure the verification of such compliance - satisfactory to all parties concerned and determined by the purposes, scope and nature of the relevant agreement - have a considerable confidence-building effect of their own.

Confidence-building measures cannot, however, supersede verification measures, which are an important element in arms limitation and disarmament agreements.

"2.3 Characteristics

"2.3.1 Confidence in international relations is based on the belief in the cooperative disposition of other States. Confidence will increase to the extent that the conduct of States, over time, indicates their willingness to practise non-aggressive and cooperative behaviour.

"2.3.2 Confidence-building requires a consensus of the States participating in the process. States must therefore decide freely and in the exercise of their sovereignty whether a confidence-building process is to be initiated and, if so, which measures are to be taken and how the process is to be pursued.

"2.3.3 Confidence-building is a step-by-step process of taking all concrete and effective measures which express political commitments and are of military significance and which are designed to make progress in strengthening confidence and security to lessen tension and assist in arms limitation and disarmament. At each stage of this process States must be able to measure and assess the results achieved. Verification of compliance with agreed provisions should be a continuing process.

"2.3.4 Political commitments taken together with concrete measures giving expression and effect to those commitments are important instruments for confidence-building.

"2.3.5 Exchange or provision of relevant information on armed forces and armaments as well as on pertinent military activities plays an important role in the process of arms limitation and disarmament and of confidence-building. Such an exchange or provision could promote trust among States and reduce the occurrence of dangerous misconceptions about the intentions of States. Exchange or provision of information in the field of arms limitation, disarmament and confidence-building should be appropriately verifiable as provided for in respective arrangements, agreements or treaties.

"2.3.6 A detailed universal model being obviously impractical, confidence-building measures must be tailored to specific situations. The effectiveness of a concrete measure will increase the more it is adjusted to the specific perceptions of threat or the confidence requirements of a given situation or a particular region.

"2.3.7 If the circumstances of a particular situation and the principle of undiminished security allow, confidence-building measures could, within a step-by-step process, where desirable and appropriate, go further and (though not by themselves capable of diminishing military potentials) limit available military options.

"2.4 Implementation

"2.4.1 In order to optimize the implementation of confidence-building measures, States taking, or agreeing to, such measures should carefully analyse, and identify with the highest possible degree of clarity, the factors which favourably or adversely affect confidence in a specific situation.

"2.4.2 Since States must be able to examine and assess the implementation of, and to ensure compliance with, a confidence-building arrangement, it is indispensable that the details of the established confidence-building measures should be defined precisely and clearly.

"2.4.3 Misconceptions and prejudices, which may have developed over an extended period of time, cannot be overcome by a single application of confidence-building measures. The seriousness, credibility and reliability of a State's commitment to confidence-building, without which the confidence-building process cannot be successful, can be demonstrated only by consistent implementation over time.

"2.4.4 The implementation of confidence-building measures should take place in such a manner as to ensure the right of each State to undiminished security, guaranteeing that no individual State or group of States obtains advantages over others at any stage of the confidence-building process.

"2.4.5 The building of confidence is a dynamic process: experience and trust gained from the implementation of early largely voluntary and militarily less significant measures can facilitate agreement on further and more far-reaching measures.

The pace of the implementation process both in terms of timing and scope of desirable measures depends on prevailing circumstances. Confidence-building measures should be as substantial as possible and effected as rapidly as possible. Whilst in a specific situation the implementation of far-reaching arrangements at an early stage might be attainable, it would normally appear that a gradual step-by-step process is necessary.

"2.4.6 Obligations undertaken in agreements on confidence-building measures must be fulfilled in good faith.

"2.4.7 Confidence-building measures should be implemented on the global as well as on regional levels. Regional and global approaches are not contradictory but rather complementary and interrelated. In view of the interaction between global and regional events, progress on one level contributes to advancement on the other level; however, one is not a pre-condition for the other.

In considering the introduction of confidence-building measures in particular regions, the specific political, military and other conditions prevailing in the region should be fully taken into account. Confidence-building measures in a regional context should be adopted on the initiative and with the agreement of the States of the region concerned.

"2.4.8 Confidence-building measures can be adopted in various forms. They can be agreed upon with the intention of creating legally binding obligations, in which case they represent international treaty law among parties. They can, however, also be agreed upon through politically binding commitments. Evolution of politically binding confidence-building measures into obligations under international law can also be envisaged.

"2.4.9 For the assessment of progress in the implementing action of confidence-building measures, States should, to the extent possible and where appropriate, provide for procedures and mechanisms for review and evaluation. Where possible, time-frames could be agreed to facilitate this assessment in both quantitative and qualitative terms.

2.5 Development, prospects and opportunities

"2.5.1 A very important qualitative step in enhancing the credibility and reliability of the confidence-building process may consist in strengthening the degree of commitment with which the various confidence-building measures are to be implemented; this, it should be recalled, is also applicable to the implementation of

commitments undertaken in the field of disarmament. Voluntary and unilateral measures should, as early as appropriate, be developed into mutual, balanced and politically binding provisions and, if appropriate, into legally binding obligations.

"2.5.2 The nature of a confidence-building measure may gradually be enhanced to the extent that its general acceptance as the correct pattern of behaviour grows. As a result, the consistent and uniform implementation of a politically binding confidence-building measure over a substantial period of time, together with the requisite opinio iuris, may lead to the development of an obligation under customary international law. In this way, the process of confidence-building may gradually contribute to the formation of new norms of international law.

"2.5.3 Statements of intent and declarations, which in themselves contain no obligation to take specific measures but have the potential to contribute favourably to an atmosphere of greater mutual trust, should be developed further by more concrete agreements on specific measures.

"2.5.4 Opportunities for the introduction of confidence-building measures are manifold. The following compilation of some of the main possibilities may be of assistance to States wishing to define what might present a suitable opportunity for action.

"2.5.4.1 A particular need for confidence-building measures exists at times of political tension and crises, where appropriate measures can have a very important stabilizing effect.

"2.5.4.2 Negotiations on arms limitation and disarmament can offer a particularly important opportunity to agree on confidence-building measures. As integral parts of an agreement itself or by way of supplementary agreements, they can have a beneficial effect on the parties' ability to achieve the purposes and goals of their particular negotiations and agreements by creating a climate of cooperation and understanding, by facilitating adequate provisions for verification acceptable to all the States concerned and corresponding to the nature, scope and purpose of the agreement, and by fostering reliable and credible implementation.

"2.5.4.3 A particular opportunity might arise upon the introduction of peace-keeping forces, in accordance with the purposes of the United Nations Charter, into a region or on the cessation of hostilities between States.

"2.5.4.4 Review conferences of arms limitation agreements might also provide an opportunity to consider confidence-building measures, provided these measures are in no way detrimental to the purposes of the agreements; the criteria of such action to be agreed upon by the parties to the agreements.

"2.5.4.5 Many opportunities exist in conjunction with agreements among States in other areas of their relations, such as the political, economic, social and cultural fields, for example in the case of joint development projects, especially in frontier areas.

"2.5.4.6 Confidence-building measures, or at least a statement of intent to develop them in the future, could also be included in any other form of political declaration on goals shared by two or more States.

"2.5.4.7 Since it is especially the multilateral approach to international security and disarmament issues which enhances international confidence, the United Nations can contribute to increasing confidence by playing its central role in the field of international peace, security and disarmament. Organs of the United Nations and other international organizations could participate in encouraging the process of confidence-building as appropriate. In particular, the General Assembly and the Security Council - their tasks in the field of disarmament proper notwithstanding - can further this process, by adopting decisions and recommendations containing suggestions and requests to States to agree on and implement confidence-building measures. The Secretary-General, in accordance with the Charter of the United Nations, could also contribute significantly to the process of confidence-building by suggesting specific confidence-building measures or by providing his good offices, particularly at times of crises, in promoting the establishment of certain confidence-building procedures.

"2.5.4.8 In accordance with item IX of its established agenda - the so-called decalogue - and without prejudice to its negotiating role in all areas of its agenda, the Conference on Disarmament could identify and develop confidence-building measures in relation to agreements on disarmament and arms limitation under negotiation in the Conference."

G. Verification in all its aspects*

"I. PRINCIPLES OF VERIFICATION

"In the context of pursuing general and complete disarmament under effective international control, as a matter of critical importance in the negotiation and implementation of arms limitation and disarmament agreements, the Disarmament Commission affirms the continued relevance of the principles concerning verification as enunciated in the following paragraphs of the Final Document of the Tenth Special Session of the General Assembly:

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* See Official Records of the General Assembly, Fifteenth Special Session, Supplement No. 3 (A/S-15/3), para. 60.

"Paragraph 31: 'Disarmament and arms limitation agreements should provide for adequate measures of verification satisfactory to all parties concerned in order to create the necessary confidence and ensure that they are being observed by all parties. The form and modalities of the verification to be provided for in any specific agreement depend upon and should be determined by the purposes, scope and nature of the agreement. Agreements should provide for the participation of parties directly or through the United Nations system in the verification process. Where appropriate, a combination of several methods of verification as well as other compliance procedures should be employed.'

"Paragraph 91: 'In order to facilitate the conclusion and effective implementation of disarmament agreements and to create confidence, States should accept appropriate provisions for verification in such agreements.'

"Paragraph 92: 'In the context of international disarmament negotiations, the problem of verification should be further examined and adequate methods and procedures in this field be considered. Every effort should be made to develop appropriate methods and procedures which are non-discriminatory and which do not unduly interfere with the internal affairs of other States or jeopardize their economic and social development.'

"The Disarmament Commission considers that the following general principles elaborate upon or add to those stated in the Final Document of the Tenth Special Session of the General Assembly. While further work can be done to formulate adequately these and other principles relating to verification, the following is a non-exhaustive listing of such principles:

"(1) Adequate and effective verification is an essential element of all arms limitation and disarmament agreements.

"(2) Verification is not an aim in itself, but an essential element in the process of achieving arms limitation and disarmament agreements.

"(3) Verification should promote the implementation of arms limitation and disarmament measures, build confidence among States and ensure that agreements are being observed by all parties.

"(4) Adequate and effective verification requires employment of different techniques, such as national technical means, international technical means and international procedures, including on-site inspections.

"(5) Verification in the arms limitation and disarmament process will benefit from greater openness.

"(6) Arms limitation and disarmament agreements should include explicit provisions whereby each party undertakes not to interfere with the agreed methods, procedures and techniques of verification, when these are operating in a manner consistent with the provisions of the agreement and generally recognized principles of international law.

"(7) Arms limitation and disarmament agreements should include explicit provisions whereby each party undertakes not to use deliberate concealment measures which impede verification of compliance with the agreement.

"(8) To assess the continuing adequacy and effectiveness of the verification system, an arms limitation and disarmament agreement should provide for procedures and mechanisms for review and evaluation. Where possible, time-frames for such reviews should be agreed in order to facilitate this assessment.

"(9) Verification arrangements should be addressed at the outset and at every stage of negotiations on specific arms limitation and disarmament agreements.

"(10) All States have equal rights to participate in the process of international verification of agreements to which they are parties.

"(11) Adequate and effective verification arrangements must be capable of providing, in a timely fashion, clear and convincing evidence of compliance or non-compliance. Continued confirmation of compliance is an essential ingredient to building and maintaining confidence among the parties.

"(12) Determinations about the adequacy, effectiveness and acceptability of specific methods and arrangements intended to verify compliance with the provisions of an arms limitation and disarmament agreement can only be made within the context of that agreement.

"(13) Verification of compliance with the obligations imposed by an arms limitation and disarmament agreement is an activity conducted by the parties to an arms limitation and disarmament agreement or by an organization at the request and with the explicit consent of the parties, and is an expression of the sovereign right of States to enter into such arrangements.

"(14) Requests for inspections or information in accordance with the provisions of an arms limitation and disarmament agreement should be considered as a normal component of the verification process. Such requests should be used only for the purposes of the determination of compliance, care being taken to avoid abuses.

"(15) Verification arrangements should be implemented without discrimination, and, in accomplishing their purpose, avoid unduly interfering with the internal affairs of State parties or other States, or jeopardizing their economic, technological and social development.

"(16) To be adequate and effective, a verification regime for an agreement must cover all relevant weapons, facilities, locations, installations and activities.

"II. PROVISIONS AND TECHNIQUES OF VERIFICATION

"1. The Disarmament Commission recognizes that there is a variety of methods, procedures and techniques available for the verification of compliance with arms limitation and disarmament agreements. No verification arrangements can be absolutely foolproof. Adequate and effective verification will involve the use of a combination of various verification methods, procedures and techniques which will operate in such a manner that they reinforce one another. Some methods, procedures and techniques are uniquely applicable in specific arms limitation and disarmament contexts, while others have wider applicability. The determination of the appropriate details and combination of methods, procedures and techniques will vary with the scope and nature of the arms limitation and disarmament agreement and will be a critical component of the specific treaty negotiations.

"2. The Disarmament Commission also emphasizes that the inclusion of provisions respecting procedures for consultation and cooperation can greatly assist in resolving problems emerging in the course of the implementation of arms limitation and disarmament agreements, such as concerns about compliance. Such provisions for consultation and cooperation could involve the use of some or all of the following: bilateral consultations, the United Nations, and/or the use of organizations set up under the specific agreement in question.

"3. The Disarmament Commission also recognizes that under general international law, parties to treaties are obligated to take the measures necessary for implementation of the treaty at the national level. Such national measures should be undertaken in a fashion to facilitate adequate and effective verification.

"4. The Disarmament Commission recognizes the utility of continuing the examination of verification methods, procedures and techniques. One possible example of the work that could be done is the preparation of a compilation of possible verification methods, procedures and techniques, including those which form part of existing arms limitation and disarmament agreements as well as those which have been proposed. Such a catalogue, which could form part of a verification database, would be illustrative and would exemplify the range and scope of methods, procedures and techniques applicable to the verification of compliance. It could be useful in facilitating a consideration of verification as an integral part of arms limitation and disarmament negotiations. The survey of methods, procedures and techniques that would be necessary to prepare such a compilation could also provide the initial steps towards producing a directory of sources of verification expertise. It could also serve to identify current research activities relating to verification and indicate areas where more research would be beneficial. The format and expense of such a catalogue should be subject to further examination.

"5. The Disarmament Commission takes note that many countries have provided to the international community the results of their research concerning verification matters, whether it be in the use of existing technology or in the consideration of how technology might evolve in order to facilitate the verification of future agreements. The Disarmament Commission commends to

experts and researchers the worthy endeavour of deepening the international community's understanding of verification provisions and techniques.

"III. THE ROLE OF THE UNITED NATIONS AND ITS MEMBER STATES IN THE FIELD OF VERIFICATION

"1. The Disarmament Commission welcomes the view expressed by the Secretary-General in his 1987 report on the work of the Organization that the United Nations can make a significant contribution in the field of verification. 14/ Such a contribution can be viewed as in accordance with the central role and primary responsibility of the United Nations as stated in paragraph 114 of the Final Document of the Tenth Special Session of the General Assembly.

"2. The Disarmament Commission takes note of various views expressed and concrete proposals made, within the framework of its discussions, by a number of countries with respect to the nature and scope of the role that the United Nations could possibly play in the context of verification of compliance with arms limitation and disarmament agreements. These proposals, which were discussed but on which no consensus was possible, include, inter alia: (a) the establishment of a verification database within the United Nations; (b) the development of a United Nations capacity to provide advice to negotiators respecting verification matters; (c) research into the process, structures, procedures and techniques of verification as well as the role of the United Nations, beginning with a request to the Secretary-General to look into these and other matters with the assistance of qualified experts; (d) on a responsive basis, and with the consent of the parties to an arms limitation and disarmament negotiation or agreement, potential involvement by the United Nations in the formulation and implementation of verification provisions of specific agreements; (e) the establishment of an integrated multilateral verification system within the United Nations; and (f) the setting up, under the aegis of the United Nations, of a mechanism for extensive international verification of compliance with agreements on reducing international tension and limiting armaments and on the military situation in conflict areas."

H. Nuclear capability of South Africa: conclusions and recommendations*

"1. Guided by the fundamental and universal principles enshrined in the Charter of the United Nations and with reference to the Declaration on Apartheid and its Destructive Consequences in South Africa adopted by consensus at the sixteenth special session of the General Assembly (resolution S-16/1, annex), the Commission reiterates its condemnation of the continuation of the policy and practice of apartheid in South Africa which is a crime against the conscience

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* See Official records of the General Assembly, Forty-fifth Session, Supplement No. 42 (A/45/42), para. 31.

14/ Official Records of the General Assembly, Forty-second Session, Supplement No. 1 (A/42/1), sect. III.

and dignity of mankind. While noting that certain positive developments are now taking place in South Africa, the Commission stresses that the apartheid system and its institutionalized pillars still remain in place. In reaffirming the right of all peoples to self-determination, the Commission supports all those in South Africa who strive for the elimination of apartheid and the building of a non-racial and democratic society in that country.

"2. The Commission recalls Security Council resolution 418 (1977) which, inter alia, expressed the Council's grave concern that South Africa was, at that time, at the threshold of producing nuclear weapons. The use of its nuclear capability by South Africa for nuclear-weapon purposes would heighten tension and increase the threat to regional as well as international peace and security.

"3. The Commission further recalls that the Security Council had, by its resolution 418 (1977), determined that the acquisition by South Africa of arms and related matériel constituted a threat to the maintenance of international peace and security and had decided that all States shall cease forthwith any provision to South Africa of arms and related matériel.

"4. The issue of South Africa's nuclear capability has been brought to international attention by General Assembly resolution 34/76 B of 11 December 1979 and included in the agenda of the Disarmament Commission since its first substantive session in 1979 at the request of the Chairman of the Special Committee against Apartheid (A/CN.10/4), following the conclusions of the United Nations Seminar on Nuclear Collaboration with South Africa, held at London in February 1979.

"5. In consideration of the item the Commission reaffirms with regard to South Africa the concern already expressed in paragraph 12 of the Final Document of the Tenth Special Session of the General Assembly (General Assembly resolution S-10/2). In this respect, the Commission strongly recommends that the General Assembly renew its call upon all States to adhere strictly to the relevant decisions of the Security Council.

"6. The proliferation of nuclear weapons to any country is a matter of serious concern to the world. South Africa's introduction of nuclear weapons to the African continent, and particularly in such a volatile region as southern Africa, not only would be a severe blow to worldwide efforts at non-proliferation but also upset many years' efforts to spare the African continent from the nuclear-arms race in accordance with the Organization of African Unity (OAU) Declaration on the Denuclearization of Africa.

"7. The Commission notes the 1977 reports of the discovery of preparations for a nuclear-weapons-test site in the Kalahari desert and reports about the 22 September 1979 event in the South Atlantic. These reports and the report of the Secretary-General on South Africa's plan and capability in the nuclear field (A/35/401 and Corr.1) and the report of the United Nations Institute for Disarmament Research (A/39/470) have caused legitimate and particular concern to the African States and the international community, in general.

"8. The Commission recommends that the General Assembly bring to the Security Council's attention the grave consequences of the development of any sort of

nuclear-weapons capability by South Africa and its implications for the security of African States, the proliferation of nuclear weapons, and the collective decision of the African States regarding the denuclearization of Africa, which has been endorsed by the General Assembly.

"9. The Commission considers it at variance with the development of friendly relations and cooperation among States to assist South Africa in the development of a nuclear-weapon programme enabling the regime to pursue a policy of destabilization against the countries of the African continent. In this respect, the Commission underscores Security Council resolution 591 (1986), in which the Council requested all States to refrain from any collaboration with South Africa in the nuclear field which will contribute to the development and manufacture by South Africa of nuclear weapons and nuclear explosive devices.

"10. All States and international organizations have the duty and responsibility to contribute to the efforts towards the elimination of apartheid. In addition, Member States should fully implement Security Council resolution 418 (1977), unanimously adopted by the Security Council, in which, inter alia, the Council called upon Member States to refrain from any cooperation with South Africa in the development and manufacture of nuclear weapons. It is, therefore, the responsibility of the international community to ensure that effective and concrete measures are taken to stop the development of its nuclear-weapons capability. To this end, the Disarmament Commission recommends that:

"(a) States should cease forthwith all collaboration with South Africa in the military and nuclear field which may contribute, directly or indirectly, to the development of its nuclear-weapons capability.

"(b) In the light of Security Council resolutions 418 (1977), 558 (1984) and 591 (1986), the Disarmament Commission recommends that the General Assembly should urge all States to observe scrupulously their obligations concerning the arms embargo against South Africa. The Security Council should continue to monitor closely the implementation of the arms embargo against South Africa in all its aspects in order to prevent any form of assistance to the development of its nuclear-weapons capability and the Secretary-General should report thereon periodically to the General Assembly.

"(c) All States should consider and respect the continent of Africa as a nuclear-weapon-free zone, in accordance with General Assembly resolution 2033 (XX) of 3 December 1965, in which the Assembly endorsed the Declaration on the Denuclearization of Africa adopted in 1964 by the Assembly of Heads of State and Government of the Organization of African Unity. To this end, the General Assembly should request the Secretary-General to offer such assistance as OAU may require to advance the realization of these objectives.

"(d) The Commission would consider it an important step if South Africa accedes to the Treaty on the Non-Proliferation of Nuclear Weapons and calls upon South Africa to place all its nuclear facilities and installations under fullscope IAEA safeguards. To this end, the Commission recommends that the General Assembly should request IAEA to report to the Assembly on its implementation.

"(e) South Africa should practise transparency and openness in its military affairs in order to allow for full assessment of its activities in the military and nuclear field by the international community and in particular by its neighbouring States.

"(f) The Commission recommends further that the Secretary-General should follow more closely South Africa's evolution in the nuclear field and report regularly to the General Assembly on the implementation of these recommendations and on all new developments which would require the attention of the international community."

I. Review of the role of the United Nations in the field of disarmament*

"1. The primary purpose of the United Nations is to maintain international peace and security. The United Nations constitutes the only universal forum where all Member States contribute to the process of disarmament. Its role and responsibilities in this field are exercised through institutional arrangements which Member States should utilize to fullest possible extent. In this connection, the effectiveness of the Organization in the field of disarmament should be strengthened and the work of its bodies improved.

"2. All States Members of the United Nations are committed to the purposes of the Charter of the United Nations and therefore must strictly observe its principles. They must also observe other relevant and generally accepted principles of international law relating to the maintenance of international peace and security. Furthermore, genuine and lasting peace should be sought through their observance and the speedy conclusion of concrete disarmament measures leading to general and complete disarmament under effective international control. Multilateral agreements on measures of disarmament play an important role in contributing to the maintenance of international peace and security.

"3. All the peoples of the world have a vital interest in the success of disarmament negotiations. While disarmament is the responsibility of all States, the nuclear-weapon States, in particular those among them which possess the most important nuclear arsenals, have a special responsibility for nuclear disarmament and, together with other militarily significant States, for halting and reversing the arms race. It was noted that in discharge of this responsibility important initial steps had been taken leading in this direction, and that further negotiations among some of those States were in progress.

"4. The United Nations should support and facilitate all disarmament efforts - unilateral, bilateral, regional and multilateral - and be kept duly informed, through the General Assembly or any other appropriate United Nations channel reaching all Members of the Organization, of developments in disarmament efforts outside its aegis, without prejudice to the progress of negotiations.

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* Official Records of the General Assembly, Forty-fifth Session, Supplement No. 42 (A/45/42), para. 32.

"5. All States should give due account and consideration to recommendations by the United Nations, including the Final Document of the Tenth Special Session of the General Assembly, the first special session devoted to disarmament, which was adopted by consensus, and act in accordance with the obligations they have assumed. All States have the right and the duty to be concerned with and to contribute to efforts in the field of disarmament as stipulated in the Final Document of the Tenth Special Session of the General Assembly.

"6. Disarmament, development, relaxation of international tension, respect for the right to self-determination and national independence, non-interference in internal affairs of States, respect for human rights, the peaceful settlement of disputes in accordance with the Charter and the strengthening of international peace and security are related to each other. Progress in any of these spheres has a beneficial effect on all of them; in turn, failure in one sphere can have negative effects on the others.

"7. The improvement in the international security situation facilitates sustained progress in the field of disarmament. Equally, the conclusion of concrete disarmament agreements strengthens international peace and security. War, in particular nuclear war, must be prevented. Disarmament should be pursued in the context of strengthening international peace and security, in compliance with the Charter of the United Nations.

"8. The Conference on Disarmament has a unique character and importance as the single multilateral disarmament negotiating body, and it is important that it continue to discharge its substantive responsibilities. The Conference on Disarmament has a unique relationship with the United Nations. The Commission affirms that the work of the Conference is of great relevance to the Members of the United Nations. Accordingly, the General Assembly welcomes the decision of the Conference on Disarmament to improve its performance so as better to fulfil its responsibilities, implement its decisions at the earliest opportunity, to consider further questions related to its improved and effective functioning, to consider the question of the expansion of its membership, as well as the facilitation of the participation of States not members of the Conference.

"9. The Security Council, having regard to its special status and responsibilities pursuant to the relevant provisions of the Charter, should continue to ensure the effectiveness of its central role with regard to the maintenance of international peace and security, keeping in mind the interrelationship existing between disarmament, international peace and security.

"10. The General Assembly constitutes the main deliberative organ of the United Nations in the field of disarmament and should continue to promote disarmament and to facilitate the achievement of disarmament agreements among States, by the following means:

"(a) Special sessions of the General Assembly devoted to disarmament have contributed to strengthening international cooperation in the field of disarmament. Special sessions should be convened as appropriate to consider relevant issues such as to review and assess the results of the efforts of Member States and of the United Nations in promoting deliberations and

negotiations on all relevant issues of disarmament, and to endeavour to provide recommendations and guidance regarding measures in the field of disarmament;

"(b) The First Committee of the General Assembly should continue to serve as its Main Committee dealing with disarmament and related international security questions. The First Committee should make the necessary improvements in its methods and procedures of work with a view to increasing its efficiency. In this regard, each succeeding chairman should continue to hold consultations with a view to refining further the practices and procedures of the Committee. To this end, the First Committee should take into account, inter alia, the recommendations contained in General Assembly resolution 42/42 N of 30 November 1987 and should continue to endeavour to expand areas of consensus. Bearing in mind the increasing importance that the international community attaches to the items on the agenda of the Conference on Disarmament, appropriate attention should be given to the consideration of the reports of the Conference. The First Committee should devote a portion of its work programme to consider, under the appropriate agenda items, the annual report of the Conference;

"(c) The Disarmament Commission, as the specialized deliberative body within the United Nations multilateral disarmament machinery, allows for in-depth deliberations leading to the submission of concrete recommendations on specific disarmament issues. In order to improve the efficiency of its work, it should fully implement the decision concerning the ways and means to enhance its functioning. Such an undertaking would enable it to continue to play a constructive role within the United Nations disarmament machinery.

"11. In the exercise of his role as envisaged in the Charter, the Secretary-General facilitates the discharge of the responsibilities of the United Nations regarding the maintenance of international peace and security. All States should give the Secretary-General maximum support to enable him to discharge, as effectively as possible, his responsibilities under the Charter. In the exercise of his role, the Secretary-General should be assisted by an adequately staffed and funded Department for Disarmament Affairs. The resources accorded to the Department should be commensurate with the requirements of its mandated tasks in so far as the budgetary restraints of the United Nations permit. The role of the Department for Disarmament Affairs in assisting the Secretary-General in his coordination of the activities of the United Nations and relevant specialized agencies in the field of disarmament should be strengthened. When agreed by the parties, the Secretary-General of the United Nations should continue to serve as depositary of the legal instruments of multilateral disarmament agreements.

"12. In light of the modifications to the functioning of the Secretary-General's Advisory Board on Disarmament Matters introduced by the Secretary-General in 1989, including the changing of its title, the Advisory Board should continue to play a useful role, particularly in its dual capacity as the Secretary-General's Advisory Board on Disarmament Matters, as well as the Board of Trustees of the United Nations Institute for Disarmament Research; it could benefit from wider contacts with prominent persons and institutions possessing expertise relevant to the Board's work.

"13. In accordance with the statute and the autonomous status of the United Nations Institute for Disarmament Research, its work should continue to be independent-research-oriented, of a high academic standard and of practical value. The Institute should strengthen its cooperation with national and regional research institutes in the field of disarmament. More financial contributions would ensure a greater viability and the development of the Institute.

"14. The Ad Hoc Committee on the Indian Ocean is a preparatory body tasked with the completion of organizational and substantive issues related to the convening of a Conference in Colombo which would seek to implement the Declaration of the Indian Ocean as a zone of peace. It is the view of those voting in favour of General Assembly resolution 44/120 that the Ad Hoc Committee on the Indian Ocean should continue to fulfil its mandate.

"15. Without prejudice to the outcome of its ongoing assessment, the World Disarmament Campaign, as a global information programme, should continue its contributions by informing, educating, and generating public understanding and support for the objectives of the United Nations in the field of arms limitation and disarmament in a balanced, factual and objective manner. Member States and other entities are encouraged to broaden the financial base of support of the Campaign with further voluntary contributions as well as to cooperate by other means so as to increase its effectiveness. The Commission recommends that all Member States should continue to mark the observance of Disarmament Week, which was proclaimed by the General Assembly at its first special session devoted to disarmament, as a week devoted to fostering the objectives of disarmament. It notes that this annual observance would continue to play an important role in promoting the objectives of the World Disarmament Campaign.

"16. The regional centres for peace and disarmament should continue to contribute to the promotion of disarmament, mutual confidence, peace and security. In addition, the activities of these centres would further enhance the objectives of the World Disarmament Campaign. In order to ensure the effective functioning and viability of the regional centres, the Disarmament Commission encourages Member States as well as other entities to make contributions to these centres.

"17. The United Nations Disarmament Fellowship, Training and Advisory Services Programme contributes usefully to the development of greater expertise in disarmament issues in Member States. Consequently, the Programme should be continued in accordance with guidelines approved by the General Assembly at its thirty-third and fortieth sessions, duly taking into account in the yearly selection of fellows, the principle of adequate representation of developing countries and the need for rotation among States."

J. Issues related to conventional disarmament*

"1. The Working Group recalled the priorities in disarmament established by the General Assembly in the Final Document of its Tenth Special Session, the first special session devoted to disarmament, as stated in paragraph 45, namely: nuclear weapons; other weapons of mass destruction, including chemical weapons; conventional weapons, including any which may be deemed to be excessively injurious or to have indiscriminate effects; and reduction of armed forces. As stated in paragraph 46 of the Final Document, nothing should preclude States from conducting negotiations on all priority items concurrently. The Group took into account the principles derived from the Final Document which provided the perspective on and addressed the subjects of the conventional arms race and conventional disarmament as identified in paragraph 8 of the Study on Conventional Disarmament (A/39/348).

"2. In dealing with the subject-matter before it in the context established in paragraph 4 above, the Group recalled that since the Second World War there has been a large number of armed conflicts fought with conventional weapons. It was noted that certain conflicts continue and pose a threat to regional and global peace and security. The Group, however, took account of the recent overall amelioration in the international situation and the trend towards the peaceful settlement of various regional conflicts, the important role played in that regard by the United Nations and the possible positive implications of these developments for efforts related to disarmament.

"3. Attention was given to recent developments in relation to Europe, which has the highest concentration of arms and armed forces. The successful conclusion in January 1989 of the CSCE Follow-up Meeting in Vienna led to further negotiations in the field of confidence- and security-building measures as well as the new Negotiation on Conventional Armed Forces in Europe, both within the framework of the CSCE process. The Group, recalling General Assembly resolutions 41/86 L, 43/75 P and 44/116 I, welcomed the progress made and considered that positive results in these negotiations would serve to improve security and develop cooperation in Europe, thereby contributing to international peace and security in the world as a whole.

"4. Attention was also given to the agreement in 1987 between Costa Rica, Guatemala, Honduras, Nicaragua and El Salvador on a procedure for the establishment of a firm and lasting peace in Central America and subsequent declarations and agreements, which include important steps towards disarmament. The Group welcomed these declarations and agreements which would serve to promote security and develop cooperation in the region. They constitute an important contribution to international peace and security.

"5. The Group identified a number of issues and possible measures in the field of conventional arms reductions and disarmament which are set out below.

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* See Official Records of the General Assembly, Forty-fifth Session, Supplement No. 42 (A/45/42), para. 34.

"6. The accumulation and increasing sophistication of conventional arms in various regions of the world, particularly by those States with the largest military arsenals, have grave implications for international peace and security. Agreements or other measures in the field of conventional disarmament therefore should be resolutely pursued on a bilateral, regional and multilateral basis, due account being taken of paragraph 83 of the Final Document. Whereas States with the largest military arsenals have a special responsibility in pursuing the process of conventional disarmament, it is incumbent upon all States, while taking into account the need to protect their security and maintain necessary defensive capabilities, to intensify their efforts and take, either on their own or by agreement, appropriate steps in the field of conventional disarmament that would enhance peace and security in their regions as well as globally and contribute to overall progress towards the goal of general and complete disarmament.

"7. The limitation and reduction of conventional arms and armed forces could relate to weapons and manpower, and include their deployment. The objective of conventional disarmament measures should be undiminished or increased security at the lowest possible level of armaments and military forces. Weapons and equipment which are the subject of conventional forces reductions agreements should not be transferred, directly or indirectly, to States not party to the agreement in question. The principal method of dealing with such reductions should be destruction.

"8. The States members of two major military alliances have made progress towards an early agreement on substantial reduction of their conventional armed forces in Europe; they are urged to continue their intensive efforts to this end in order to fulfil the mandate of their negotiations which is to achieve increased security at lower levels of forces and to eliminate the capability for surprise attack and large-scale offensive action.

"9. In relation to negotiations on conventional disarmament, conscious of paragraph 83 of the Final Document of SSOD I, States should take into account a number of factors, such as: circumstances prevailing in a particular region; the quantitative and qualitative aspects of the forces which are the subject of negotiations; the importance of a basis of comparable data; asymmetries that might exist among various countries as a result of historical, geographical and other factors; the need to eliminate military asymmetries which are prejudicial to security; the need of States to protect their security, bearing in mind the inherent right of self-defence and the right of peoples to self-determination and independence; the various significant implications of military strategies; the need to take steps to eliminate the capability for surprise attack and offensive action; and the implications of arms transfers.

"10. Although negotiations should be undertaken to facilitate and achieve substantial disarmament, and ultimately general and complete disarmament, unilateral measures could be taken in order to enhance regional and global peace and security.

"11. Taking into consideration the progress accomplished in the field of conventional disarmament, the important role of efforts at disarmament on a regional scale must be recognized. The regional approach to disarmament is one

of the essential elements in global efforts. Regional disarmament measures should be taken at the initiative and with the participation of States concerned and must take into account the specific characteristics of each region. In regions where tensions may be high and a potential for conflict may exist, measures aimed at reducing tensions could lead to reductions and restrictions on military deployments by all States concerned and thus contribute to strengthening confidence and international peace and security.

"12. Although confidence-building measures, whether military or non-military, cannot serve as a substitute for concrete disarmament measures, they can play an important role in facilitating progress towards disarmament in that they alleviate mistrust and thus enhance international cooperation and security, whether they are taken unilaterally, bilaterally or multilaterally. Consequently, the value of such measures was emphasized, it being understood that they should always be so designed as to take into account the specific situation in and characteristics of the region in question.

"13. Conventional disarmament agreements must provide for adequate and effective measures for their verification satisfactory to all parties concerned in order to create the necessary confidence and to ensure that the agreements are being observed. The Group noted that the Secretary-General, upon the request of the General Assembly and with the assistance of a group of qualified governmental experts, is undertaking an in-depth study of the role of the United Nations in the field of verification.

"14. As appropriate, negotiations on measures of conventional disarmament should also cover such types of conventional weapons as encompass radically new techniques arising from qualitative technological advances.

"15. The global expenditure on arms and armed forces, by far the largest part of which is attributable to conventional arms and armed forces, represents a massive consumption of resources for potentially destructive purposes in a stark contrast to the urgent need for social and economic development and for increased international cooperation in those fields. Reduction in military expenditure by releasing resources could, therefore, entail benefits both in the social and economic fields as well as in the political field.

"16. Arms transfers can have serious implications for conventional disarmament, as recalled in the Final Document. Arms transfers should be addressed in conjunction with the questions of maintaining international peace and security, reducing international tension, enhancing confidence, and promoting disarmament as well as social and economic development. Restraint and greater openness can help in this respect and contribute to the promotion of international peace and security. In this context, the grave consequences of illicit traffic in arms deserve substantive consideration. The Group noted that the Secretary-General, upon the request of the General Assembly and with the assistance of a group of qualified governmental experts, is undertaking an in-depth study of ways and means of promoting transparency in international transfers of conventional arms on a universal and non-discriminatory basis.

"17. Taking into account the priorities in disarmament set out in the Final Document, the subject of conventional disarmament should continue to be actively

pursued in the United Nations as one significant contribution to the endeavours of the international community towards general and complete disarmament under effective international control. In addition to deliberations by the Disarmament Commission on how to facilitate the process of conventional disarmament, it would be welcome if the Conference on Disarmament were to address the issue of conventional disarmament when practicable. The United Nations should be kept duly informed of developments in disarmament efforts outside its aegis, without prejudice to the progress of negotiations."

K. Declaration of the 1990s as the Third Disarmament Decade*

"1. The present Declaration of the 1990s as the Third Disarmament Decade is addressed to the global community, and deals with the hopes and aspirations of people for lasting peace and security.

"2. After a period of heightened tensions, the latter part of the decade of the 1980s saw a noticeable improvement in the way many States conducted their relations with one another. Despite this favourable trend, the specific goals of the Second Disarmament Decade were not fully realized.

"3. In a world of growing interdependence, it is essential for the international community to stimulate and deepen awareness of the common interests of the global society and of the universal interest in achieving disarmament and strengthening international peace and security. The challenges facing the international community today are enormous. Accordingly, the solution of these difficult and complex issues will require the political will of States in conducting dialogue and negotiations and in promoting international cooperation, including confidence-building measures aimed at reducing tensions and the risk of military confrontation among States, bearing in mind specific conditions prevailing in the region concerned. It will also require acknowledgement of the profound interrelationship of questions relating to disarmament, social and economic development and environmental protection.

"4. The international community stands on common ground in determining to make progress in the 1990s by resolutely pursuing disarmament along with other efforts necessary for attaining genuine peace and security. As members of the international community, we have identified the following common goals. In the nuclear field, we must continue urgently to seek early reductions in, and the eventual elimination of, nuclear weapons and work towards a comprehensive nuclear-test ban. To achieve the objective of non-proliferation in all its aspects, all States are encouraged to make every effort further to strengthen the non-proliferation regime and other measures to halt and prevent the proliferation of nuclear weapons. The aim of the international community should be to promote cooperation in the peaceful use of nuclear energy on a non-discriminatory basis and under agreed and appropriate international safeguards. The prevention of an arms race in outer space remains an important

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* See Official Records of the General Assembly, Forty-fifth Session, Supplement No. 42 (A/45/42), para. 35; adopted subsequently by the General Assembly (resolution 45/62 A, annex).

area to be further addressed. Many States also see the need to address naval confidence-building measures and disarmament issues. In the conventional field, we must seek reductions in arms and armed forces in all areas of the world and, in particular, where levels of concentrations of armaments are highest. In this regard, we urgently seek the successful conclusion of the negotiations on conventional forces in Europe. We aim for continued consideration of arms transfers in all their aspects. In the chemical field, we must work for the earliest conclusion of a convention on the prohibition of the development, production, stockpiling and use of all chemical weapons and on their destruction. The international community also calls for strict compliance with the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925. 15/ As further steps forward, openness and transparency on all appropriate military matters should be developed, the scope and techniques of verification advanced, the use of science and technology for peaceful purposes promoted and non-military threats to security addressed. All other initiatives to halt and reverse the arms race, in particular the nuclear-arms race, in both its qualitative and quantitative aspects deserve careful consideration. Such initiatives include the establishment of nuclear-weapon-free zones on the basis of arrangements freely arrived at among States of the region concerned and the creation of zones of peace under appropriate conditions defined and determined freely by the States concerned in the zone. In the pursuit of the foregoing goals, the international community acknowledges the particular responsibility of countries with the largest military arsenals. Resources freed through disarmament could be used for the benefit of a balanced world development. These goals should be included in a comprehensive programme of disarmament, which should be concluded at an appropriate time.

"5. The United Nations will continue to foster multilateral cooperation for disarmament, wherein bilateral and regional efforts can be complementary and mutually supportive in attaining the purposes and principles of the United Nations. The international community can further promote disarmament through the United Nations by building upon its achievements in this field, including the Final Document of the Tenth Special Session of the General Assembly (resolution S-10/2), which was adopted by consensus.

'6. The international community affirms the positive role that an informed public can play in the process of disarmament by promoting constructive and realistic dialogue on issues related to disarmament. In this regard, the pursuit of the World Disarmament Campaign and the observance of Disarmament Week will continue to play a useful role. Reflecting a growing understanding and commitment in dealing with the global problems of peace and security, it recognizes that non-governmental organizations play an invaluable role. It also supports an enhanced role for women in developing the conditions for enduring peace.

"7. As the world moves towards the twenty-first century, it is evident that future generations will need increasing knowledge and understanding of the interdependent nature of life on the planet. Education on international peace

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15/ League of Nations, Treaty Series, vol. XCIV (1929), No. 2138.

and security issues will play a fundamental part in allowing every individual to realize his or her role as a responsible member of the world community."

L. Guidelines and recommendations for objective information on military matters*

"1. In order to promote increased openness and transparency on military matters and to assist greater comprehension of the dangers of the arms race in all its aspects and of destabilizing accumulations of arms inconsistent with legitimate security needs and to contribute to faster progress towards the goal of general and complete disarmament under effective international control, the United Nations disarmament Commission, bearing in mind the relevant provisions of the Charter of the United Nations and the relevant paragraphs of the Final Document of the Tenth Special Session of the General Assembly, the first special session devoted to disarmament (resolution S-10/2); taking into account the Guidelines for appropriate types of confidence-building measures and for the implementation of such measures on a global or regional level, as adopted by the Commission at its 1988 substantive session, and relevant General Assembly resolutions, has developed the following guidelines for objective information on military matters.

"Objectives

"2. Objective information on military matters, though not an end in itself may, through a dynamic process over time, serve among others the following purposes:

"- To encourage openness and transparency on military matters in order to build confidence, enhance mutual trust and contribute to the relaxation of tension and to promote specific disarmament agreements and other concrete disarmament measures;

"- To facilitate the process of arms limitation, reduction and elimination, as well as reduction of armed forces, and the verification of compliance with obligations assumed in these areas;

"- To assist States in determining the level of forces and armaments sufficient for an adequate defensive capability;

"- To increase the predictability of military activities and to avert crises and reduce the risk of military conflict, whether intentional or unintentional, by heading off dangerous errors or misperceptions that could generate or precipitate them;

"- To promote greater public understanding and discussion of disarmament and security-related issues;

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* Official Records of the General Assembly, Forty-seventh Session, Supplement No. 42 (A/47/42), annex I.

thereby leading to strengthened international peace and security, global as well as regional, and providing undiminished security of all States at the lowest possible level of armaments.

"Principles

"3. The Charter of the United Nations must be strictly observed. The purposes and principles of the Charter enshrined in Articles 1 and 2 are particularly relevant in the context of the provision of objective information on military matters.

"4. Actions of States relating to objective information on military matters should be governed by the following:

"- All States have the responsibility to provide objective information on military matters and the right of access to such information;

"- The provision of objective information on military matters should be based on the principle of non-intervention in the internal affairs of States, which includes not only armed intervention but also other forms of interference;

"- Objective information on military matters should be made accessible to the public of all States to the maximum degree possible consistent with national security and the provisions of related agreements;

"- Bearing in mind the duty of all States to provide objective information on military matters, the States with the largest and most sophisticated arsenals have a special responsibility in providing information;

"- Measures to promote openness and transparency in military matters, at both the global and the regional level, should take into account the legitimate security needs of States and the principle of undiminished security at the lowest possible level of armaments;

"- The provision of objective information on military matters, in the regional context, should take account of the specific characteristics, degree of stability and political climate in each particular region in relation to the practical level of information necessary to promote openness and transparency, with the aim of contributing to confidence and stability;

"- Any field of military activity, component of armed forces of States or their armaments, whether on their own territories, territories of other States or elsewhere, including outer space or the high seas, could be considered for the provision of objective information on military matters, including on nuclear weapons, other weapons of mass destruction, and conventional weapons, as appropriate;

"- States should promote, through consultations on their own initiative, practical measures on the exchange of objective information on

military matters, in the light of their specific situation and political, military and security conditions;

"- The priorities in disarmament established by the General Assembly in paragraphs 45 and 46 of the Final Document of its Tenth Special Session should be duly taken into consideration, whenever applicable measures relating to objective information on military matters are taken;

"- The information to be provided under agreements or arrangements for the exchange of objective information on military matters should be consistent in volume, range and quality with the objectives identified by the parties. The data should be accurate, comparable and provided on a reciprocal basis and may, if deemed necessary by the parties, be subject to verification;

"- Exchange of information in the context of disarmament agreements or measures should be designed to meet the specific provisions of such accords;

"- Information obtained under specific agreements may be restricted to the participants;

"- Measures to promote openness and transparency may be unilateral, bilateral or multilateral, subregional, regional or global, and may use the potential of the United Nations;

"- Such measures should be carried out in harmony with other efforts to build confidence, to promote disarmament and to strengthen security;

"- As an important confidence-building measure, the provision of objective information on military matters can both promote, and in its turn be promoted by, improvement in the political climate among States concerned.

"Scope

"5. The potential for increase of openness and transparency through provision or exchange of objective information on military matters in all its aspects is as wide as the whole military field. The scope of any particular exercise will depend on the objective pursued and should be defined in accordance with the foregoing principles through consultations on an equal footing by parties concerned and can be adjusted, as necessary, upon their agreement.

"Mechanisms

"6. The foregoing objectives should be pursued in accordance with the foregoing principles through a range of mechanisms to promote the provision of objective information on military matters in a comprehensive and equitable manner, both within the United Nations system and outside it.

"7. The United Nations should promote the provision of objective information on military matters, inter alia, through:

"- Relevant guidelines and other recommendations developed by the Disarmament Commission;

"- Collection and publication of information on military budgets provided by Member States on the basis of its standardized reporting system or possible future improvement thereof;

"- Maintenance of the United Nations Register of Conventional Arms;

"- United Nations studies carried out in accordance with General Assembly resolutions;

"- Related activities of the United Nations regional centres for peace and disarmament;

"- Research performed under the aegis of the United Nations Institute for Disarmament Research;

"- Operation of appropriate databases in accordance with the provisions of relevant resolutions and provision of advisory services, if requested by Member States.

In addition, if requested by the parties and subject to the availability of appropriate resources, the United Nations can assist in data collection and dissemination in the context of multilateral treaties on arms limitation and disarmament, as is already the case with respect to the Biological Weapons Convention.

"8. The Conference on Disarmament can play an important role in promoting the provision of objective information on military matters through measures agreed upon by its members, in accordance with its rules of procedure.

"9. Unilateral measures as well as bilateral, subregional, regional and other multilateral arrangements should also be utilized for the provision of objective information on military matters.

"Recommendations

"10. In the light of the foregoing objectives and principles, and with the aim of enhancing the security of all States, the following recommendations are offered for consideration.

"11. The United Nations standardized system of reporting on military expenditures, which has attracted a growing number of participating States, should continue in operation and could be further improved as a global basis for the provision of objectively and comprehensively comparable information on such expenditures.

"12. The United Nations Register of Conventional Arms should be operated and further developed on the basis of the relevant resolution of the General Assembly and the process set out therein, which is commended to the Member States.

"13. States should, in the meantime, take practical measures, on the basis of existing agreements, where applicable, and within appropriate forums, to increase openness and transparency in military matters through the provision of objective information, including on nuclear weapons, other weapons of mass destruction, the transfer of high technology with military applications, imports and exports of conventional arms, military holdings, procurement through national production and relevant policies.

"14. Individual States and groups of States should consider formulating arrangements, freely arrived at between themselves, to promote the direct flow and exchange of information.

"15. The General Assembly should consider the establishment of groups of experts to study ways and means of ensuring greater comparability of nationally supplied data. The objective of greater comparability could also be promoted through the exchange of information and cooperation among interested Member States on statistical methods."

M. Guidelines and recommendations for regional approaches to disarmament within the context of global security*

"I. RELATIONSHIP BETWEEN REGIONAL DISARMAMENT, ARMS LIMITATION AND GLOBAL SECURITY

"1. Regional and global approaches to disarmament and arms limitation complement each other and both should be pursued simultaneously in order to promote regional and international peace and security.

"2. The regional approach to disarmament and arms limitation is one of the essential elements in global efforts to strengthen international peace and security.

"3. Effective measures for disarmament and arms limitation at the global level, particularly in the field of nuclear weapons and other weapons of mass destruction, as well as in the field of conventional weapons, have a positive impact on regional disarmament and arms limitation efforts.

"4. Regional measures on disarmament and arms limitation may take into account the relationship between security in the region and international security as a whole, bearing in mind that the scope and extent of such measures could be affected by extraregional factors.

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* Official Records of the General Assembly, Forty-eighth Session, Supplement No. 42 (A/48/42), annex II.

"5. Regional measures on disarmament and arms limitation should lead to the relaxation of tension in the region concerned, and may have a positive bearing outside the region.

"6. Regional and interregional agreements on disarmament and arms limitation should enhance global security.

"7. Global agreements on disarmament and arms limitation should enhance regional security.

"8. Regional measures on disarmament and arms limitation contribute to the achievement of goals and principles for disarmament at the global level.

"II. PRINCIPLES AND GUIDELINES

"9. Any regional arrangement for disarmament and arms limitation should be in conformity with the Charter of the United Nations and international law.

"10. Regional arrangements for disarmament and arms limitation should be consistent, inter alia, with the principle of non-intervention in the internal affairs of States, which includes not only armed intervention, but also other forms of interference, as such arrangements have to be freely agreed upon by the States concerned.

"11. Regional disarmament efforts should be pursued in a fair, reasonable, comprehensive and balanced manner.

"12. The States participating in regional arrangements for disarmament and arms limitation should define, as appropriate, the region to which the arrangements among them apply.

"13. Regional arrangements for disarmament and arms limitation should be open to the participation of all the States concerned and agreed freely among them on the basis of the principle of the sovereign equality of all States.

"14. Any regional approach to disarmament and arms limitation has to take into account the specific conditions and characteristics of the region.

"15. Regional approaches to disarmament and arms limitation should take into account the necessity to address broader, non-military factors which may affect security.

"16. Regional arrangements for disarmament and arms limitation may also free resources of participating States for peaceful purposes, inter alia, the promotion of economic and social development of States.

"17. Regional arrangements for disarmament and arms limitation should have no harmful effects on the security of other States.

"18. Regional arrangements for disarmament and arms limitation should give priority to the elimination of the most destabilizing military capabilities and

imbalances, including, where appropriate, in the field of nuclear weapons and other weapons of mass destruction.

"19. Regional approaches to disarmament and arms limitation can interact positively with other initiatives of a region to enhance its security.

"20. Regional arrangements for disarmament and arms limitation should contribute to increasing security and stability in the region at the lowest possible level of armaments and armed forces and on the basis of undiminished security for all the participating States.

"21. With regard to nuclear weapons and other weapons of mass destruction, the establishment of regional arrangements to prevent proliferation in all its aspects contributes to regional and international peace and security.

"22. Where appropriate, regional arrangements for disarmament and arms limitation with a view to eliminating nuclear weapons and other weapons of mass destruction would contribute to regional and international peace and security.

"23. Regional arrangements for disarmament and arms limitation should, taking into account the specific conditions and characteristics of the region, address in all its aspects the question of the accumulation of conventional weapons beyond the legitimate self-defence requirements of States.

"24. Regional approaches and arrangements should seek to address all aspects of disarmament and arms limitation considered to be necessary by all of the participating States in the region and relevant to the specific security situation of the region concerned, and should use step-by-step approaches whenever appropriate.

"25. Regional arrangements for disarmament and arms limitation should be pursued with particular urgency in regions where tensions and the accumulation of armaments are such as to pose serious threats and thus endanger regional and international peace and security.

"26. Regional arrangements for disarmament and arms limitation can produce a favourable atmosphere conducive to political settlement of regional disputes or conflicts.

"27. The peaceful settlement of disputes in accordance with the purposes and principles of the Charter of the United Nations and other concrete actions to ease regional tensions and build confidence among the States of the region can create a political environment conducive to promoting agreements on disarmament and arms limitation.

"28. Regional approaches to disarmament and arms limitation should promote transparency and openness in military matters in order to build confidence among the States of the region concerned.

"29. Regional arrangements for disarmament and arms limitation should include appropriate verification measures, as agreed upon by the parties concerned, to ensure compliance.

"30. Extraregional States should respect regional agreements on disarmament and arms limitation and, where appropriate, consider entering into binding undertakings to complement such regional agreements.

"31. Regional approaches to disarmament and arms limitation should take into account the need to give due priority to eradicating the illicit trade in all kinds of weapons and military equipment, a most disturbing and dangerous phenomenon often associated with terrorism, drug trafficking, organized crime, mercenary and other destabilizing activities.

"III. WAYS AND MEANS

"A. Confidence- and security-building measures

"32. Appropriate confidence- and security-building measures which foster mutual trust and understanding, as well as transparency and openness, can defuse tensions and promote friendly relations among States. Furthermore, such measures can facilitate the disarmament and arms limitation process and can improve the prospects for the peaceful settlement of disputes, thus contributing to maintaining and enhancing regional and international peace and security.

"33. For confidence- and security-building measures at the regional level, attention is drawn to the "Guidelines for appropriate types of confidence-building measures and for the implementation of such measures on a global or regional level", as adopted by the General Assembly (resolution 43/78 H of 7 December 1988). 16/ Account could also be taken, as appropriate, of the experiences gained through the implementation of measures and guidelines designed for the global level, as adopted by the General Assembly, as well as of measures developed in some regions. An illustrative list of measures and guidelines is attached in the annex.

"34. Bearing in mind the need to maintain and develop an integrated approach to international peace and security, regional arrangements aimed at building security and confidence need not be confined to the military field, but could, as appropriate, also extend to the political, economic, social, environmental and cultural fields.

"35. If felt necessary, verification of confidence- and security-building measures could be considered, devised and adopted by the participating States.

"36. In addition to regional confidence- and security-building measures, interregional ones could be adopted.

16/ Official Records of the General Assembly, Fifteenth Special Session, Supplement No. 3 (A/S-15/3), para. 41.

"B. Disarmament and arms limitation agreements

"37. Regional disarmament and arms limitation agreements should come from within the region, take into account the specific conditions and characteristics of the region, and be open to all States of the region.

"38. Regional disarmament and arms limitation agreements should seek to ensure security and stability at the lowest level of armaments and armed forces on the basis of undiminished security of States and eliminate the capability for large-scale offensive action and surprise attacks. States should not seek an armament and military spending level that exceeds their legitimate self-defence requirements.

"39. Regional disarmament and arms limitation agreements may include those aimed at facilitating the ultimate elimination of nuclear weapons in the context of global efforts to this end, and at eliminating other weapons of mass destruction and, inter alia, their delivery systems, and should, as appropriate, complement such agreements at the global level.

"40. States are encouraged to conclude regional agreements to regulate the acquisition of arms in order to prevent the excessive and destabilizing accumulation of arms, without undermining the legitimate self-defence capability of the States concerned.

"41. Regional disarmament and arms limitation agreements should aim to reduce armaments and military forces to the lowest possible level on the basis of undiminished security of States. Forces thus reduced should be demobilized and weapons, equipment and facilities above permitted levels within a region should be disposed of by means of destruction, or, where appropriate, conversion. Those weapons and facilities should neither be adapted to other weapons systems nor redeployed in other regions, nor lead to increased arms transfers to other regions.

"42. Regional disarmament and arms limitation agreements should seek to include all types of armed forces, their installations and armaments present in the region, including those from States inside and outside the region, without prejudice to the inherent right of States to individual and collective self-defence.

"43. In support of efforts for disarmament and arms limitation, States within and outside the region should exercise effective control over their weapons and military equipment, their arms imports and exports, to prevent them from getting into the hands of individuals or groups engaged in the illicit arms trade.

"44. The consensus text of recommendations on conventional disarmament which was adopted by the General Assembly in 1990 should serve as a general guideline for all States in their regional approach to arms limitation and disarmament.

"45. Regional disarmament and arms limitation agreements should include appropriate verification measures devised by the parties to such agreements. The 16 principles of verification adopted by the General Assembly in 1988 should

be observed by all States in their efforts in implementing regional disarmament and arms limitation agreements.

"C. Zones of peace

"46. The establishment of zones of peace and cooperation in various regions of the world under appropriate conditions, to be clearly defined and determined freely by the States concerned in the zone, taking into account the characteristics of the zone and the principles of the Charter of the United Nations, and in conformity with international law, can, if appropriately defined and agreed upon by interested States, contribute to strengthening the security of States within such zones and to international peace and security as a whole.

"D. Zones free of nuclear weapons and other weapons of mass destruction

"47. The establishment of zones free of nuclear weapons and other weapons of mass destruction on the basis of arrangements freely arrived at among the States of the region concerned constitutes an important disarmament measure. The process of establishing such zones, in appropriate parts of the world, should be encouraged to promote non-proliferation and to contribute to the attainment of the ultimate objective of achieving a world entirely free of nuclear weapons and other weapons of mass destruction. In the process of establishing such zones, the characteristics of each region should be taken into account. The States participating in such zones should undertake to comply fully with all the objectives, purposes and principles of the agreements or arrangements establishing the zones, thus ensuring that they are genuinely free of nuclear weapons and other weapons of mass destruction.

"48. In order to contribute to the effectiveness of zones free of nuclear weapons and other weapons of mass destruction, extraregional States should respect the status of such zones. Extraregional States that may have undertaken commitments to such zones should fully comply with them and, in the case of nuclear-weapon States, refrain from the use or threat of use of nuclear weapons against the States in these zones.

"E. Consultative and cooperative arrangements

"49. The establishment of regional consultative forums on peace, security, cooperation and development may facilitate regional approaches to disarmament and arms limitation.

"50. Regional and interregional arrangements for cooperation and exchange of information could be considered. In this context, the knowledge and understanding on the regional level about the most destabilizing weapons and military capabilities could assist in the conclusion of regional agreements on disarmament and arms limitation.

"IV. ROLE OF THE UNITED NATIONS

"51. In carrying out its role in the field of disarmament, the United Nations should seek to promote complementarity between regional and global processes of disarmament by establishing effective liaison and cooperation with relevant regional bodies. The United Nations can contribute to the regional disarmament and arms limitation process, inter alia, by:

"(a) Facilitating regional disarmament efforts in cooperation with other appropriate United Nations bodies and international organizations;

"(b) Collecting and disseminating information on disarmament and arms limitation, including the experience of the United Nations in carrying out activities related to the maintenance of international peace and security;

"(c) Promoting greater openness in military matters through the United Nations Register of Conventional Arms and the United Nations standardized system of reporting on military expenditures;

"(d) Facilitating the functions of the existing United Nations Regional Centres;

"(e) Serving as a source of expertise in disarmament and arms limitation;

"(f) Organizing and, where appropriate, coordinating conferences on regional disarmament issues, including confidence- and security-building measures;

"(g) Assisting, where regional arrangements so provide, in verifying compliance.

"52. The recommendations on the role of the United Nations in the field of disarmament which were adopted by the General Assembly in 1990 should serve as useful guidelines for enhancing the role of the United Nations with respect to regional approaches to disarmament and arms limitation.

"ANNEX

"Illustrative list of confidence- and security-building measures

"1. Measures and guidelines as adopted by the General Assembly

"(a) United Nations standardized system of reporting on military expenditures (1980);

"(b) United Nations Register of Conventional Arms (1991);

"(c) Guidelines and recommendations for objective information on military matters (1992).

"2. Measures developed and implemented in some regions

"(a) Confidence- and security-building measures in the political, economic, social, environmental and cultural fields;

"(b) Exchange of information on armed forces and military activities;

"(c) Dissemination of militarily relevant information, for example, on arms transfers and military budgets;

"(d) Inspections, observations and visits to military facilities and activities, including overflight regimes;

"(e) Regional seminars on security-related issues, such as military doctrines, confidence- and security-building measures, illegal arms traffic, transfers of conventional arms;

"(f) Establishment of effective communications between military and political authorities of different States;

"(g) Establishment of regional security institutions charged with a variety of tasks affecting the security of States in a region, such as conflict prevention, arms control, elimination of illegal arms traffic."

N. Guidelines for international arms transfers in the context of General Assembly resolution 46/36 H of 6 December 1991*

"I. INTRODUCTION

"1. Arms transfers are a deeply entrenched phenomenon of contemporary international relations. All States have the inherent right to self-defence, as enshrined in the Charter of the United Nations, and consequently the right to acquire arms for their security, including arms from outside sources. However, international transfers of conventional arms have, in recent decades, acquired a dimension and qualitative characteristics which, together with the increase in illicit arms trafficking, give rise to serious and urgent concerns.

"2. Arms transfers should be addressed in conjunction with the question of maintaining international peace and security, reducing regional and international tensions, preventing and resolving conflicts and disputes, building and enhancing confidence, and promoting disarmament as well as social and economic development. Restraint and greater openness, including various transparency measures, can help in this respect and contribute to the promotion of international peace and security.

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* Official Records of the General Assembly, Fifty-first Session, Supplement No. 42 (A/51/42), annex I.

"3. The problem of the illicit traffic in arms has a social and humanitarian component in addition to its technical, economic and political dimensions. The human suffering that is caused, inter alia, by the devastating consequences of war, destabilizing violence and conflicts, terrorism, mercenary activities, subversion, drug trafficking, common and organized crime and other criminal actions cannot be ignored. The negative effects of illicit arms trafficking can often be disproportionately large, particularly for the internal security and socio-economic development of affected States. Illicit arms trafficking, which affects many countries and several regions of the world, puts to the test the capacity of States to find a solution to it.

"4. Legal, political and technical differences in internal control of armaments and their transfer and, in some cases, inadequacy or absence of such controls can contribute to the growing illicit traffic in arms.

"5. International cooperation in curbing illicit arms trafficking and in condemning it will assist in focusing the attention of the international community on this phenomenon and will be an important factor in combating it.

"6. The United Nations, in keeping with its overall purposes and principles, has a legitimate interest in the field of arms transfers, recognized by the Charter, which refers specifically to the importance of the regulation of armaments for the maintenance of international peace and security.

"7. Illicit arms trafficking is understood to cover that international trade in conventional arms, which is contrary to the laws of States and/or international law.

"8. Limitations on arms transfers can be found in international treaties, binding decisions adopted by the Security Council under Chapter VII of the Charter of the United Nations and the principles and purposes of the Charter.

"II. SCOPE

"9. According to paragraph 1 of General Assembly resolution 43/75 I of 7 December 1988, entitled 'International arms transfers', arms transfers in all their aspects deserve serious consideration by the international community. The General Assembly, in paragraph 4 of its resolution 48/75 F of 16 December 1993, of the same title, noted that the Disarmament Commission had included the question of international arms transfers, with particular reference to resolution 46/36 H of 6 December 1991, also of the same title, in the agenda of its substantive session in 1994.

"10. In its resolution 46/36 H, the General Assembly called upon all States to give high priority to eradicating illicit arms trafficking in all kinds of weapons and military equipment; urged Member States to exercise effective control over their weapons and military equipment and their arms imports and exports to prevent them from getting into the hands of parties engaged in illicit arms trafficking; and also urged Member States to ensure that they had in place an adequate system of laws and administrative machinery for regulating and monitoring effectively their transfer of arms, to strengthen or adopt strict

measures for their enforcement, and to cooperate at the international, regional and subregional levels to harmonize, where appropriate, relevant laws, regulations and administrative procedures as well as their enforcement measures, with the goal of eradicating illicit arms trafficking.

"11. Licit transfers of conventional arms can be addressed, inter alia, through national legislative and administrative actions and increased transparency. The objective in the case of illicit arms trafficking must be the eradication of this phenomenon.

"12. All stages of illicit arms trafficking should be the focus of scrutiny. An essential factor in eradicating illicit arms trafficking is the effective control of arms to prevent them from being acquired by unauthorized persons.

"III. PRINCIPLES

"13. In their efforts to control their international arms transfers and to prevent, combat and eradicate illicit arms trafficking, States should bear in mind the principles listed below.

"14. States should respect the principles and purposes of the Charter of the United Nations, including the right to self-defence; the sovereign equality of all its Members; non-interference in the internal affairs of States; the obligation of Members to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State; the settlement of disputes by peaceful means; and respect for human rights; and continue to reaffirm the right of self-determination of all peoples, taking into account the particular situation of peoples under colonial or other forms of alien domination or foreign occupation, and recognize the right of peoples to take legitimate action in accordance with the Charter of the United Nations to realize their inalienable right of self-determination. This shall not be construed as authorizing or encouraging any action that would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the principle of equal rights and self-determination of peoples and thus possessed of a Government representing the whole people belonging to the territory without distinction of any kind.

"15. States should recognize the need for transparency in arms transfers.

"16. States should recognize the responsibility to prohibit and eradicate illicit arms trafficking and the need for measures to achieve this end, taking into account the inherently clandestine nature of this traffic.

"17. States, whether producers or importers, have the responsibility to seek to ensure that their level of armaments is commensurate with their legitimate self-defence and security requirements, including their ability to participate in United Nations peace-keeping operations.

"18. States have responsibilities in exercising restraint over the production and procurement of arms as well as transfers.

"19. Economic or commercial considerations should not be the only factors in international arms transfers. Other factors include, inter alia, the maintenance of international peace and security and efforts aimed at easing international tensions, promoting social and economic development, peacefully resolving regional conflicts, preventing arms races and achieving disarmament under effective international control.

"20. Arms-producing or supplier States have a responsibility to seek to ensure that the quantity and level of sophistication of their arms exports do not contribute to instability and conflict in their regions or in other countries and regions or to illicit trafficking in arms.

"21. States receiving arms have an equivalent responsibility to seek to ensure that the quantity and the level of sophistication of their arms imports are commensurate with their legitimate self-defence and security requirements and that they do not contribute to instability and conflict in their regions or in other countries and regions or to illicit trafficking in arms.

"22. International arms transfers should not be used as a means to interfere in the internal affairs of other States.

"IV. WAYS AND MEANS

"A. National

"23. States should ensure that they have an adequate system of national laws and/or regulations and administrative procedures to exercise effective control over armaments and the export and import of arms in order, among other goals, to prevent illicit arms trafficking.

"24. States should scrutinize their national arms-control legislation and procedures and, where necessary, strengthen them in order to increase their effectiveness in preventing the illegal production, trade in and possession of arms in their territory that can lead to illicit arms trafficking.

"25. States should intensify their efforts to prevent corruption and bribery in connection with the transfer of arms. States should make all efforts to identify, apprehend and bring to justice all those involved in illicit arms trafficking.

"26. States should establish and maintain an effective system of export and import licences for international arms transfers with requirements for full supporting documentation.

"27. The exporting State should seek to obtain an import certificate from the receiving State covering the exported arms. The receiving State should seek to ensure that imported arms are covered by a certified licence of the authorities in the supplying State.

"28. The use of small arms and light weapons in conflicts and war has a major bearing on regional and international peace and security and national stability.

The alarming dissemination and illicit transfer of such weapons and the serious threat they pose require States to ensure strong and effective supervision of all aspects of trade in such weapons.

"29. States should provide for adequate numbers of customs officials adequately trained to enforce the necessary regulations over the export and import of arms.

"30. States should define, in accordance with their national laws and regulations, which arms are permitted for civilian use and which may be used or possessed by the military and police forces.

"31. In developing practical measures at the national level, States should take into account and apply, as appropriate, the relevant recommendations of Interpol.

"32. States should recognize that combating illicit arms trafficking and reducing those potentially negative aspects of the arms trade require reciprocal commitments by producer and recipient countries, including through defence-conversion programmes and by way of refraining from destabilizing accumulations of armaments.

"B. International

"33. All arms-transfer agreements and arrangements, in particular between Governments, should be designed so as to reduce the possibility of diversion of arms to unauthorized destinations and persons. In this context, a requirement by the exporter for import licences or verifiable end-use/end-user certificates for international arms transfers is an important measure to prevent unauthorized diversion.

"34. States should cooperate at the bilateral and multilateral levels as appropriate to share relevant customs information on trafficking in and detection of illicit arms and coordinate intelligence efforts. In this context, States should endeavour to ensure effective control of borders with a view to preventing illicit arms trafficking.

"35. States should intensify international cooperation in the relevant field of criminal law. They should assist each other in the development and enforcement of effective national controls, with a view to curbing the evasion of justice by illicit arms traffickers.

"36. In order to help combat illicit arms trafficking, States should make efforts to develop and enhance the application of compatible standards in their legislative and administrative procedures for regulating the export and import of arms.

"37. States have a legal obligation to comply strictly with sanctions and arms embargoes imposed by the Security Council under the authority of Chapter VII of the Charter of the United Nations.

"38. States should report all relevant transactions in their annual reports to the Register of Conventional Arms as an important confidence-building measure. Those States which do not yet provide annual reports to the Register are strongly encouraged to do so. States should also consider developing additional transparency measures at the regional, subregional and national levels as well as unilateral transparency measures.

"39. States should maintain strict regulations on the activities of private international arms dealers and cooperate to prevent such dealers from engaging in illicit arms trafficking.

"V. INSTITUTIONAL ARRANGEMENTS

"A. Role of the United Nations

"40. The United Nations has an important role to play in the field of international arms transfers and the eradication of illicit arms trafficking in accordance with its overall purposes and principles. The cooperation of the international community is essential for the United Nations to be successful in these endeavours.

"41. In its resolution 43/75 I of 7 December 1988, the General Assembly expressed its conviction that arms transfers in all their aspects deserve serious consideration by the international community, inter alia, because of: (a) their potential effects in areas where tension and regional conflict threaten international peace and security and national security; (b) their known and potential negative effects on the process of the peaceful social and economic development of all peoples; and (c) increasing illicit and covert arms trafficking.

"42. Subsequently, pursuant to that resolution, the Secretary-General submitted a study (A/46/301, annex), prepared with the assistance of governmental experts, on ways and means of promoting transparency in international transfers of conventional arms on a universal and non-discriminatory basis, taking into consideration the views of Member States and other relevant information, including information on the problem of illicit arms trafficking. A number of the recommendations made in the study were taken up subsequently in General Assembly resolutions 46/36 H and 46/36 L, of 6 and 9 December 1991 respectively.

"43. By its resolution 46/36 L, entitled "Transparency in armaments", the General Assembly requested the Secretary-General to establish and maintain a universal and non-discriminatory Register of Conventional Arms. It, inter alia, called upon all Member States to provide data on imports and exports of arms and invited them, pending the expansion of the Register, also to provide available background information on military holdings, procurement through national production and relevant policies.

"44. Transparency measures concerning arms transfers are not in themselves measures of limitation or restriction, but they can in several ways promote and facilitate the introduction of unilateral or multilateral measures of restraint as well as help in the detection of arms transferred illegally. The United Nations, the Conference on Disarmament and other appropriate international

forums should continue to play an important part in the elaboration and adoption of transparency measures in the field of arms transfers, including the possible improvement of the Register.

"45. The adoption by consensus of resolution 46/36 H reflects the concern of the international community over the increasing illicit arms trafficking, which, by its clandestine nature, defies transparency. This kind of trafficking represents one of the major problems for the authorities of many countries which attempt to free their territories from the criminal use of arms and the consequences it has for peace and stability. Under that resolution, the Secretary-General was given the mandate for the promotion of efforts to eradicate illicit trafficking in arms.

"46. In its resolution 46/36 H, the General Assembly, inter alia, called upon all States to give high priority to eradicating illicit arms trafficking in all kinds of weapons and military equipment, a most disturbing and dangerous phenomenon often associated with terrorism, drug trafficking, organized crime and mercenary and other destabilizing activities, and to take urgent action towards that end, as recommended in the study submitted by the Secretary-General.

"47. In its resolution 48/75 F of 16 December 1993, the General Assembly recognized that illicit arms trafficking is a disturbing, dangerous and increasingly common phenomenon and that, with the technical sophistication and destructive capability of conventional weapons, the destabilizing effects of illicit arms trafficking increase. The Assembly also called upon all Member States to give priority to eradicating the illicit arms trafficking associated with destabilizing activities, such as terrorism, drug trafficking and common criminal acts, and to take immediate action towards that end.

"48. In its resolution 50/70 B of 12 December 1995, entitled "Small arms", the General Assembly requested the Secretary-General to prepare, within the existing resources, a report, with the assistance of a panel of qualified governmental experts, on the question of small arms and light weapons in all its aspects.

"49. In its resolution 50/70 H, entitled "Assistance to States for curbing the illicit traffic in small arms and collecting them", the General Assembly invited the international community to give appropriate support to the efforts made by the affected countries to suppress the illicit circulation of small arms, which is likely to hamper their development.

"B. Other institutional arrangements

"50. States should continue to use and further develop mechanisms for the exchange of information at the global, regional and subregional levels in order to assist institutions engaged in the control, tracking and seizure of arms in making full-scale efforts to eradicate illicit arms trafficking."

O. Establishment of nuclear-weapon-free zones on the basis of arrangements freely arrived at among the States of the region concerned*

"I. GENERAL OVERVIEW

"1. Recent developments in international relations, especially in the fields of disarmament and non-proliferation, have led to increased efforts to consolidate existing and to establish new nuclear-weapon-free zones on the basis of arrangements freely arrived at among the States of the region concerned and to a better understanding of the importance of such zones.

"2. The Final Document of the Tenth Special Session of the General Assembly 17/ stated that the establishment of nuclear-weapon-free zones on the basis of agreements or arrangements freely arrived at among the States of the zone concerned and the full compliance with those agreements or arrangements, thus ensuring that the zones are genuinely free from nuclear weapons, and respect for such zones by nuclear-weapon States constitute an important disarmament measure.

"3. In 1993, the Disarmament Commission unanimously adopted 'Guidelines and recommendations for the regional approaches to disarmament within the context of global security' which included a substantive consideration of zones free of nuclear weapons and other weapons of mass destruction.

"4. The General Assembly has over the years adopted numerous resolutions on the issue of the establishment of nuclear-weapon-free zones in different regions of the world, which reflects the continuing interest of the international community in the establishment of such zones.

"5. Nuclear-weapon-free zones have ceased to be exceptional in the global strategic environment. To date, 107 States have signed or become parties to treaties establishing existing nuclear-weapon-free zones. 18/ With the

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* A/CN.10/1999/CRP.4, annex.

17/ General Assembly resolution S-10/2.

18/ These treaties may be described as follows:

(i) Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco) was opened for signature on 14 February 1967, thereby establishing for the first time in history a nuclear-weapon-free zone; the Treaty has served as a model for the promotion of other similar zones (United Nations, Treaty Series, vol. 634, No. 9068);

(ii) The South Pacific Nuclear Free Zone Treaty (Treaty of Rarotonga) was opened for signature by the States of the South Pacific Forum on 6 August 1985 (see The United Nations Disarmament Yearbook, vol. 10: 1985 (United Nations publication, Sales No. E.86.IX.7),

addition of Antarctica, which was demilitarized pursuant to the Antarctic Treaty, nuclear-weapon-free zones now cover more than 50 per cent of the Earth's land mass.

"II. OBJECTIVES AND PURPOSES

"6. As has been universally recognized, nuclear-weapon-free zones have made and continue, as their objective, to make an important contribution to the strengthening of the international nuclear non-proliferation regime, to achieve nuclear disarmament, to global efforts aimed at achieving the ultimate objective of the elimination of nuclear weapons and, more broadly speaking, general and complete disarmament under strict and effective international control.

"7. Each nuclear-weapon-free zone is the product of the specific circumstances of the region concerned and highlights the diversity of situations in the different regions. Moreover, the establishment of nuclear-weapon-free zones is a dynamic process. The experience of existing nuclear-weapon-free zones clearly shows that these are not static structures and also, in spite of the diversity of situation in different regions, highlights the feasibility of the establishment of the new nuclear-weapon-free zones on the basis of arrangements freely arrived at among the States of the region concerned.

"8. Nuclear-weapon-free zones help to strengthen the security of the States that belong to such zones.

"9. Nuclear-weapon-free zones are an important disarmament tool which contributes to the primary objective of strengthening regional peace and security and, by extension, international peace and security. They are also considered to be important regional confidence-building measures.

"10. Nuclear-weapon-free zones can also be a means of expressing and promoting common values in the areas of nuclear disarmament, arms control and non-proliferation.

"11. For the States parties to the Treaty on the Non-Proliferation of Nuclear Weapons, 19/ nuclear-weapon-free zones are an important complementary instrument to the Treaty, article VII of which explicitly recognizes the right of any group of States to conclude regional treaties in order to assure the

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appendix VII);

(iii) The Treaty on the Southeast Asia Nuclear-Weapon-Free Zone (Treaty of Bangkok) was opened for signature on 15 December 1995 as part of the establishment of a zone of peace, freedom and neutrality in South-East Asia;

(iv) The African Nuclear-Weapon-Free-Zone Treaty (Treaty of Pelindaba) was opened for signature on 11 April 1996 (A/50/426, annex).

19/ United Nations, Treaty Series, vol. 729, No. 10485.

total absence of nuclear weapons in their respective territories. The decision on 'Principles and objectives for nuclear non-proliferation and disarmament' in the Final Document of the 1995 Review and Extension Conferences of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, 20/ adopted in 1995, reaffirmed the conviction of the States parties to the Treaty on the Non-Proliferation of Nuclear Weapons that the establishment of internationally recognized nuclear-weapon-free zones, on the basis of arrangements freely arrived at among the States of the region concerned, enhances global and regional peace and security.

"12. Nuclear-weapon-free zones considerably strengthen and increase the nuclear non-proliferation obligations of non-nuclear-weapon States parties to the Treaty on the Non-Proliferation of Nuclear Weapons to refrain from acquiring nuclear weapons and to develop and use nuclear energy solely for peaceful purposes and in accordance with the safeguards established by the International Atomic Energy Agency (IAEA).

"13. Nuclear-weapon-free zones are a useful complement to the international regime for the prohibition of any nuclear-weapon-test explosions or any other nuclear explosion.

"14. By signing and ratifying the relevant protocols to the treaties establishing nuclear-weapon-free zones, nuclear-weapon States undertake legally binding commitments to respect the status of such zones and not to use or threaten to use nuclear weapons against States parties to such treaties.

"15. The current nuclear-weapon-free zones have served and are serving as an example for the establishment of new zones. At the same time, they offer support and the benefit of their experience to States that are considering proposals or proceeding to establish nuclear-weapon-free zones in other regions.

"16. Nuclear-weapon-free zones may serve, as long as the respective treaty provides therefor, as a framework for international cooperation on the use of nuclear energy for peaceful purposes in the region, which will promote economic, scientific and technological development of the States parties.

"17. Nuclear-weapon-free zones may also serve to promote cooperation aimed at ensuring that the regions concerned remain free of environmental pollution from radioactive wastes and other radioactive substances and, as appropriate, enforcing internationally agreed standards regulating international transportation of those substances.

"III. PRINCIPLES AND GUIDELINES

"18. The principles and guidelines presented below can be regarded only as a non-exhaustive list of generally accepted observations in the current stage of

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20/ 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Final Document, Part I (NPT/CONF.1995/32 (Part I), annex, decision 2).

the development of nuclear-weapon-free zones and are based on current practices and available experiences, bearing in mind that the process of establishing nuclear-weapon-free zones should allow for the harmonious implementation of each of these principles and guidelines.

"19. The establishment of nuclear-weapon-free zones is consistent with a variety of objectives. The important contribution of nuclear-weapon-free zones to the strengthening of the international non-proliferation regime and to regional and world peace and security has been universally recognized.

"20. Nuclear-weapon-free zones should be established on the basis of arrangements freely arrived at among the States of the region concerned.

"21. The initiative to establish a nuclear-weapon-free zone should emanate exclusively from States within the region concerned and be pursued by all the States of that region.

"22. In cases where consensus exists on the goal to establish a nuclear-weapon-free zone in a given region, efforts exerted by the States of the region concerned aimed at the establishment of such a zone should be encouraged and supported by the international community. Assistance should be provided, as appropriate, including through the essential role of the United Nations, to the States of the region concerned in their efforts to establish a nuclear-weapon-free zone.

"23. All the States of the region concerned should participate in the negotiations on and the establishment of such a zone on the basis of arrangements freely arrived at among the States of the region concerned.

"24. The status of a nuclear-weapon-free zone should be respected by all States parties to the treaty establishing the zone as well as by States outside the region, including all States whose cooperation and support are essential for the maximum effectiveness of such a zone, namely, the nuclear-weapon States and, if there are any, States with territory or internationally responsible for territories situated within the zone concerned.

"25. The nuclear-weapon States should be consulted during the negotiations of each treaty and its relevant protocol(s) establishing a nuclear-weapon-free zone in order to facilitate their signature to and ratification of the relevant protocol(s) to the treaty, through which they undertake legally binding commitments to the status of the zone and not to use or threaten to use nuclear weapons against States parties to the treaty.

"26. If there are any States with territory or internationally responsible for territories within the zone concerned, these States should be consulted during the negotiations of each treaty and its relevant protocols establishing a nuclear-weapon-free zone with a view to facilitating their signature and ratification of the relevant protocol(s) to the treaty.

"27. The process of establishing the zone should take into account all the relevant characteristics of the region concerned.

"28. The establishment of further nuclear-weapon-free zones reaffirms the commitment of the States that belong to such zones to honour their legal obligations deriving from other international instruments in force in the area of nuclear non-proliferation and disarmament to which they are parties.

"29. The obligations of all the States parties to a treaty establishing a nuclear-weapon-free zone should be clearly defined and be legally binding, and the States parties should fully abide by such agreements.

"30. The arrangements relating to a nuclear-weapon-free zone should be in conformity with the principles and rules of international law, including the United Nations Convention on the Law of the Sea. 21/

"31. States parties to a nuclear-weapon-free zone exercising their sovereign rights and without prejudice to the purposes and objectives of such a zone, remain free to decide for themselves whether to allow visits by foreign ships and aircraft to their ports and airfields, transit of their airspace by foreign aircraft, and navigation by foreign ships in or over their territorial sea, archipelagic waters, or straits that are used for international navigation, while fully honouring the rights of innocent passage, archipelagic sea lane passage or transit passage in straits that are used for international navigation.

"32. A treaty establishing a nuclear-weapon-free zone based on arrangements freely arrived at among the States of the region concerned, and fully taking into account any other obligations that such States may have under existing regional and international arrangements, if applicable, should be implemented by the States parties concerned in accordance with their individual constitutional requirements and should be consistent with international law and the rights and obligations recognized in the Charter of the United Nations. States parties to the current nuclear-weapon-free zones should ensure that their adherence to other international and regional agreements does not entail any obligations contrary to their obligations under the nuclear-weapon-free zone treaties.

"33. A nuclear-weapon-free zone should provide for the effective prohibition of the development, manufacturing, control, possession, testing, stationing or transporting by the States parties to the treaty of any type of nuclear explosive device for any purpose, and should stipulate that States parties to the treaty do not permit the stationing of any nuclear explosive devices by any other State within the zone.

"34. A nuclear-weapon-free zone should provide for the effective verification of compliance with the commitments made by the parties to the treaty, inter alia,

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21/ Official Records of the Third United Nations Conference on the Law of the Sea, vol. XVII (United Nations publication, Sales No. E.84.V.3), document A/CONF.62/122.

through the application of full-scope IAEA safeguards to all nuclear activities in the zone. 22/

"35. A nuclear-weapon-free zone should constitute a geographical entity whose boundaries are to be clearly defined by prospective States parties to the nuclear-weapon-free zone treaty through full consultations with other States concerned, especially in cases where territories in dispute are involved, with a view to facilitating agreement of those States concerned.

"36. Nuclear-weapon States should, for their part, assume in full their obligations vis-à-vis nuclear-weapon-free zones upon signing and ratifying relevant protocols, including strict compliance with the statute of the nuclear-weapon-free zone and, through the signing of relevant protocols, enter into binding legal commitments not to use or threaten to use nuclear weapons against the States that belong to the nuclear-weapon-free zone.

"37. A nuclear-weapon-free zone should not prevent the use of nuclear science and technology for peaceful purposes and could also promote, if provided for in the treaties establishing such zones, bilateral, regional and international cooperation for the peaceful use of nuclear energy in the zone, in support of socio-economic, scientific and technological development of the States parties.

"IV. THE WAY AHEAD

"38. The number of initiatives taken to establish new nuclear-weapon-free zones is clear evidence of the importance of such zones to current international efforts to promote disarmament, arms control and non-proliferation.

"39. All existing nuclear-weapon-free zones should come into force as soon as possible. States that are still in the process of considering their signature and/or ratification of the treaties and relevant protocols establishing the existing nuclear-weapon-free zones are encouraged to proceed therewith. In this context, cooperation and efforts by all States concerned are essential.

"40. The establishment of nuclear-weapon-free zones in regions for which consensus resolutions of the General Assembly exist, such as the Middle East and Central Asia, as well as the development of zones free from all weapons of mass destruction, should be encouraged. 23/

"41. Vigorous efforts should be made to secure cooperation and coordination among the States parties and signatories to nuclear-weapon-free zone treaties in order to promote their common objectives. Members of nuclear-weapon-free zones

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22/ Based on IAEA document INFCIRC/153, as strengthened by document INFCIRC/540.

23/ Owing to its unique geographical circumstances, Mongolia has declared its nuclear-weapon-free status in order to promote its security. This status was welcomed by the General Assembly in its consensus resolution 53/77 D of 4 December 1998.

could also work together to share experiences with States of other regions and support their efforts to establish further nuclear-weapon-free zones.

"42. Any State from a region concerned has the right to propose the establishment of a nuclear-weapon-free zone in its region.

"43. Any proposal on the establishment of a nuclear-weapon-free zone on the basis of arrangements freely arrived at should only be considered after consensus on the objective has been achieved in broad consultations within the region concerned.

"44. Without prejudice to the provisions of the United Nations Convention on the Law of the Sea, including the principle of the freedom of the high seas, and to other applicable treaties, political relations and cooperation among the States parties and signatories to nuclear-weapon-free zone treaties can be expanded and consolidated in the context of the ultimate goal of elimination of all nuclear weapons, particularly in the Southern Hemisphere and adjacent areas.

"45. The international community should continue to promote the creation of nuclear-weapon-free zones around the globe, in an effort towards achieving the ultimate goal of freeing the entire world from all nuclear weapons, as well as other weapons of mass destruction, and, more broadly speaking, of general and complete disarmament under strict and effective international control, so that future generations could live in a more stable and peaceful atmosphere."

P. Guidelines on conventional arms control/limitation and disarmament, with particular emphasis on consolidation of peace in the context of General Assembly resolution 51/45 N*

"I. INTRODUCTION

"1. The conflicts of today highlight, on the one hand, the need in post-conflict situations for a comprehensive approach integrating certain practical disarmament measures, particularly with regard to small arms and light weapons, and, on the other hand, the need for further initiatives in the area of conventional arms control/limitation. The excessive accumulation of small arms and light weapons, the absence of control to arrest it and the illicit arms trade continue to have a negative effect on the internal security and socio-economic development of affected States.

"2. This excessive and destabilizing accumulation not only threatens national, regional and international security, prolongs conflicts and hampers conflict resolution, and erodes negotiated peace settlements, but can be linked to intra- and inter-State crime, terrorism, violence and lawlessness. The consequences for economic and social development and for the humanitarian situation in the countries and regions concerned are often devastating.

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* A/CN.10/1999/CRP.6, annex.

"3. The excessive accumulation of small arms and light weapons can best be averted by a combination of reduction and prevention measures:

"(i) The purpose of reduction measures is the speedy removal of quantities of surplus weapons through their collection and/or destruction;

"(ii) In the case of prevention measures, the objective should be to scale down over time the numbers of small arms and light weapons to a level that corresponds to a country's legitimate self-defence and security interests, to be defined by itself.

"4. In the case of both sets of measures the international community is encouraged to provide assistance in support of national and regional actions and to foster coordination between such actions. A key objective in the consolidation of peace is to allow the administrative capacity and infrastructure that were damaged during the conflict to be rebuilt in a process of conversion from war to peace.

"5. Other conventional arms control/limitation and disarmament measures are also required to address the problem, such as arms control, confidence-building and transparency measures, and the combating of the illicit arms trade in small arms and light weapons. Practical disarmament measures have a special relevance to a conflict which is approaching solution; to a recently ended conflict; and as a consequence, to preventing a conflict from re-emerging. Such measures could include arms control, collection, storage and/or destruction, demining, demobilization and integration.

"6. The report of the Secretary-General on the consolidation of peace through practical disarmament measures (A/52/289), submitted pursuant to General Assembly resolution 51/45 N, contains a set of recommendations addressed to Member States in which measures are proposed to reduce and prevent excessive accumulation and proliferation of small arms. The report of the Secretary-General on small arms (A/52/298) was submitted on 27 August 1997 to the General Assembly. General Assembly resolutions 52/38 G and 53/77 M are also relevant.

"II. SCOPE

"7. The guidelines that follow, having regard, inter alia, to General Assembly resolution 51/45 N of 10 December 1996, are primarily applicable for the consolidation of peace in post-conflict situations.

"III. PRINCIPLES

"8. - In formulating and implementing practical disarmament measures for the consolidation of peace in regions that have suffered from conflicts, States should fully respect the purposes and principles of the Charter of the United Nations, including those contained in paragraph 14 of the guidelines for international arms transfers in the context of

General Assembly resolution 46/36 H of 6 December 1991, 24/ adopted in 1996;

"- The guidelines that follow should be applied on a voluntary basis and with the consent of the States concerned;

"- Peace agreements freely arrived at should be respected and adhered to by all concerned, thereby providing the best guarantee for the consolidation of peace in post-conflict situations;

"- In the implementation of the guidelines, the root causes of conflict and the specific conditions and characteristics of the region concerned, such as political, commercial, socio-economic, ethnic, cultural and ideological factors, should be taken into account;

"- States within a region, as well as those outside, with a special influence on parties to a conflict, have a particular responsibility to promote arms control and disarmament measures with a view to the consolidation of peace in the region concerned;

"- The guidelines that follow should not be used as a means to interfere in the internal affairs of other States;

"- The principles contained in the following documents are also applicable:

"- Guidelines for international arms transfers in the context of General Assembly resolution 46/36 H of 6 December 1991, 24/ adopted in 1996;

"- Guidelines and recommendations for regional approaches to disarmament within the context of global security, 25/ adopted in 1993;

"- Guidelines for the study on conventional disarmament, 26/ adopted in 1982.

24/ Official Records of the General Assembly, Fifty-first Session, Supplement No. 42 (A/51/42), annex I; see also sect. N above.

25/ Ibid., Forty-eighth Session, Supplement No. 42 (A/48/42), annex II; see also sect. M above.

26/ See sect. D above.

"IV. PRACTICAL DISARMAMENT MEASURES IN POST-CONFLICT SITUATIONS

"A. Collection, control, disposal and destruction of arms, especially small arms and light weapons, and conversion of military facilities

"9. In accordance with the agreement reached, an early and accurate baseline inventory and periodic reassessment of the arms in the possession of the combatants is a prerequisite to an efficient arms collection, control, disposal and/or destruction process. Thus, following the collection, control, secure storage and/or destruction of arms, it is necessary to determine which arms are surplus to the legitimate defence requirements of the State, as defined by itself.

"10. There should be a secure collection and storage of such arms from the demobilized combatants or those in civilian hands, with the possible use of incentive programmes, provided that these do not themselves create a market for arms, such as 'turn-in', 'buy-back', 'swap' or weapons-for-development programmes, or through other appropriate measures.

"11. Where an agreement provides for the destruction of arms, the rapid, reliable and transparent destruction of surplus arms is an indispensable step to rendering an agreement concrete. Experience has shown that a public display of the destruction of such weapons can help to dramatize the enactment of peace and to consolidate it.

"12. Where appropriate, the conversion of military facilities for civilian use should be encouraged.

"13. As part of an effective post-conflict arms control programme, (i) compliance with arms embargoes declared by the United Nations Security Council and (ii) execution of voluntary regional import/export moratoriums should be implemented through, inter alia:

"(a) Cooperation between neighbouring security, police and customs organizations, including the assistance of national contact centres of the International Criminal Police Organization;

"(b) Combined border-guard operations;

"(c) International and coordinated United Nations support for adherence to agreed measures;

"(d) Regional or international agreements to combat illicit arms trafficking.

"B. Demining and other mine actions

"14. The cessation of minelaying should be an integral part of ceasefire and peace agreements, wherever applicable.

"15. In areas where anti-personnel land mines have been laid during a conflict and there is agreement to destroy these mines, post-conflict activities must give priority to an integrated mine action programme which includes mine clearance and destruction, victim assistance and the reintegration of mine victims into civil society.

"16. The collection of mines and other explosive ordnance should be discouraged and their destruction ensured in situ.

"17. Information should be provided on mines laid during the conflict. Such measures as the delineation of mined areas and posting of warning signs should be taken to prevent further victimization of civilians.

"18. States involved in the deployment of mines can play an important role in assisting mine clearance in mine-affected countries through the provision of necessary maps and information and appropriate technical and material assistance to remove or otherwise render ineffective existing minefields, mines and boobytraps.

"19. A mine awareness education plan and procedures for reporting unexploded ordnance and artifacts should be set out and geared towards both demobilized soldiers and civilians.

"C. Demobilization

"20. An early and accurate assessment of the combatants to be separated, assembled and demobilized is a prerequisite to an effective demobilization programme.

"21. Demobilization agreements may be implemented via a demobilization centre or cantonment, established for a limited period of time, taking into account necessary medical, logistical (food, housing etc.) and administrative support and facilities or programmes. They should be clearly separated from humanitarian centres established, for example, for returning refugees.

"22. The period between the signature of an agreement and the establishment of the cantonment could, with the consent of the State concerned, be used profitably by neutral parties of observation and control of a ceasefire.

"23. Registration and disarmament of combatants should occur simultaneously, whenever possible.

"D. Integration of former combatants

"24. The peace agreement should provide for advance planning for integration, at least for the short to medium term, to be undertaken well before the demobilization process starts. The integration programme could then be implemented in step with demobilization.

"25. Consideration should be given to:

"- The establishment, training and operations of combined integrated security forces on a voluntary basis, as appropriate;

"- Programmes for the training, education and guidance for the integration into civil society of former combatants and their dependants, including the offer of guarantees for their personal safety;

"- The return and resettlement of refugees and displaced persons to their homes as an integral part of the integration process;

"- The promotion of sustainable employment and skills training, for example in the areas of rehabilitation and reconstruction programmes.

"26. States are encouraged to reflect in their economic programmes the integration of combatants and secure domestic resources for such activities, supplemented, as appropriate, by external support in order to provide, inter alia, for effective follow-up action. The needs of different target groups, among the reintegrated combatants, including vulnerable groups such as women and children, should be identified and options designed for their integration to suit local conditions.

"V. CONFIDENCE-BUILDING IN POST-CONFLICT SITUATIONS

"27. In order to ensure the reliable implementation of the provisions of the agreement reached in a post-conflict consolidation of peace, including secure disposal and/or destruction of weapons, consideration should be given, on the basis of mutual agreement, to the following:

"(a) Combined/integrated monitoring, observation and control;

"(b) Transparency and verification, where appropriate, by a facilitator or international supervision, with the consent of the State concerned;

"(c) A commission to mediate differences over interpretation of the terms of the agreement.

"28. Implementation of agreed measures can be enhanced by the use of economic, social and other incentives, including:

"(a) Humanitarian, medical and logistical aid programmes for former combatants (including families) to encourage and sustain the handover of arms;

"(b) Measures to ensure the safety of former combatants;

"(c) Amnesties granted by the State;

"29. The re-establishment of public security is an essential first step. The following measures to help build confidence in an unbiased, non-discriminatory security force could be considered:

"(a) The creation and training of military services and security and police forces, at a size appropriate to a post-conflict situation, taking into account the legitimate self-defence and security interests of the state;

"(b) Adequate technical equipment, for example for border monitoring, and training to enable operations to be conducted efficiently and in conformity with national legislation and established norms of international law;

"(c) The inclusion and integration of adequately trained former combatants on a voluntary basis.

"30. To assist the reconciliation process and to create confidence in the implementation of the peace agreement, it is recommended that:

"(a) An effective, objective public information campaign be promoted to sensitize the public to the peace process;

"(b) National dialogue be encouraged and intensified through reconciliation programmes in the consolidation of peace;

"(c) Measures aimed at enhancing public involvement through education and awareness programmes conducive to the promotion of peace be encouraged;

"(d) Measures to strengthen coordination among Governments, international organizations and non-governmental organizations be implemented for the smooth transition from emergency humanitarian assistance and post-conflict assistance to long-term development.

"VI. REGIONAL AND INTERNATIONAL FINANCIAL AND TECHNICAL ASSISTANCE

"31. Regional and international financial, technical and technological assistance in rebuilding infrastructure and administrative capacity and civil society, and in economic rehabilitation for the implementation of practical disarmament measures, should include the early involvement of international financial institutions.

"32. Regional and international financial and technical assistance should also include:

"(a) Assistance for national and local measures for the collection, control, disposal and/or destruction of arms, demobilization and reintegration of former combatants, as well as for measures for the conversion of military facilities for civilian use in post-conflict situations. Such assistance can

countries to remove or otherwise render ineffective existing minefields, mines and boobytraps; the provision, as appropriate, of technological assistance to mine-infested countries; new technologies for mine detection and removal; and the promotion of scientific research and development on humanitarian mine-clearance techniques and technology so that mine-clearance activities can be carried out more effectively at lower cost and through safer means. International cooperation should be promoted in this regard;

"(c) Assistance for reintegration measures aimed at education and training and for the creation of employment opportunities or alternative employment opportunities for discharged combatants;

"(d) Assistance for public education and awareness programmes which will contribute to the promotion of peace and build resistance to the unlawful uses of small arms.

"33. States that are in a position to do so should lend their support to the Secretary-General in responding to requests by Member States to collect and destroy small arms and light weapons in post-conflict situations as well as to promote new practical disarmament measures to consolidate peace, especially as undertaken and designed by affected States themselves.

"VII. OTHER CONVENTIONAL ARMS CONTROL/LIMITATION AND DISARMAMENT MEASURES

"A. National measures

"34. States should observe the highest standards of responsibility in the transfer of arms, including small arms and light weapons, as well as ammunition and explosives. Both supplier and recipient States should ensure that the quantity and level of sophistication of their arms are commensurate with their legitimate defence and security requirements, and that they do not contribute to instability and conflict in their regions or in other countries and regions or to illicit trafficking in arms.

"35. States should have in place appropriate legislation and effective administrative regulations on arms export, import, transit, re-export and diversion, and should make the necessary arrangements to ensure their enforcement.

"36. States should work towards the introduction of appropriate national legislation, administrative regulations and licensing requirements that define conditions under which firearms can be acquired, used and traded by private persons. In particular, they should consider the prohibition of unrestricted trade and private ownership of small arms and light weapons specifically designed for military purposes, such as automatic guns (e.g., assault rifles and machine-guns).

authorized agencies acting on their behalf, are encouraged to draw upon already existing provisions in this field.

"38. States should ensure that arms production, trade and holdings (State-owned and private) are under strict and effective control through appropriate licensing, supervision and inspection. They should also consider the establishment and maintenance of:

"- National inventories of legally held weapons, specifically designed for military purposes, including up-to-date information on legally licensed dealers and manufacturers;

"- A record of imports, exports and other transactions.

"39. States should ensure that manufacturers apply appropriate and reliable markings on weapons, particularly small arms and light weapons, as an integral part of the production process, so as to assist national law enforcement agencies in tracing the country of origin and the manufacturer of the weapons in combating illicit arms trafficking.

"40. States should undertake to secure their holdings of weapons, including small arms and light weapons, against losses resulting from corruption, theft and withholding through appropriate organizational, technical and personnel measures.

"41. States should ensure the effectiveness and professional conduct of security forces and authorities (customs, border control, police, criminal prosecution) involved in the implementation of weapons control measures, through the appropriate selection of personnel, training and technical equipment.

"B. Regional/international cooperation and transparency

"42. States should explore the scope for closer coordination and, on a voluntary basis, the possible harmonization of their national regulations on arms export/import/transit, including relevant customs procedures.

"43. States and their national authorities involved in weapons control measures should reinforce their collective efforts to prevent and combat illicit trafficking of arms, particularly small arms, through:

"(a) Exchange of information on illegal activities (sources, routes, caches);

"(b) Combined police, border-guard, intelligence and customs operations, as required;

"(c) Technical and training assistance;

"(e) Improved judicial cooperation, including to combat the violation of national gun laws and regulations.

"44. States are encouraged to consider developing and strengthening appropriate transparency measures at the multilateral, regional, subregional and national levels. Taking into account the particular regional situation and legitimate self-defence and security needs, these might include, based on the agreed initiative of all the States within the concerned regions or subregions and with participation on a voluntary basis, possible regional or subregional arrangements, confidence-building and arms-control measures. International arms transfers should not be used as a means to interfere in the internal affairs of other States.

"45. States should consider, on a voluntary basis, the exchange of information on their national policies, legislation and administrative control over armaments, with particular emphasis on small arms and light weapons.

"46. States should consider all appropriate measures with a view to promoting restraint and responsibility in conventional arms transfers. States which have established voluntary regional and subregional measures for conventional arms transfers should make available all relevant information on these to any interested State or group of States.

"VIII. ROLE OF THE UNITED NATIONS

"47. The Secretary-General, in recognition of the important contribution of programmes for voluntary weapons collection and/or destruction, could be invited to consider, on a case-by-case basis, means to facilitate the successful conduct of such programmes.

"48. The United Nations should coordinate and facilitate the exchange of information between States. At the request of the States concerned, the United Nations could provide coordination and assistance, including in seeking regional and international financial and technical support, for the development of programmes to promote and implement disarmament and arms control/limitation measures in the context of the consolidation of peace.

"49. The coordination role of the United Nations should be fulfilled in the fields of mine awareness, training, surveying, mine detection and clearance, scientific research on mine detection and clearance technology, and information on and distribution of medical equipment and supplies.

"50. The United Nations has a central role in the field of disarmament. This role is enhanced with the designation of the Department for Disarmament Affairs as the focal point to coordinate all action on small arms within the United Nations system.

"51. Cooperation and coordination should be increased between the relevant intergovernmental bodies of the United Nations and within the United Nations

and components and ammunition; the Department for Disarmament Affairs; and the mechanism for Coordinating Action on Small Arms in ongoing initiatives related to illicit trafficking in small arms.

"52. The United Nations should continue to play a leading role in addressing the issue of small arms."